

# **LOGANVILLE BOROUGH**

# **ZONING ORDINANCE**

**LOGANVILLE BOROUGH ORDINANCE NO. 94-1**

**ENACTED NOVEMBER 7, 1994**

**AMENDED:**

**AUGUST 5, 1996, MARCH 2, 1998, NOVEMBER 2, 1998, SEPTEMBER 10, 2001,  
JUNE 3, 2002, AUGUST 5, 2004, and NOVEMBER 1, 2005**



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## **ORDINANCE NO. 94-1**

ORDINANCE NO. 94-1 WITH THE INTENT OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE CONSTRUCTION, ALTERATION, EXTENSION, REPAIR AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE BOROUGH OF LOGANVILLE, THE COUNTY OF YORK AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS REENACTED AND AMENDED.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LOGANVILLE in the County of York and the Commonwealth of Pennsylvania, as follows:

### **ARTICLE I**

#### **SHORT TITLE, PURPOSE AND COMMUNITY DEVELOPMENT OBJECTIVES**

##### **SECTION 101    SHORT TITLE**

This Ordinance shall be known and may be cited as the "LOGANVILLE BOROUGH ZONING ORDINANCE."

##### **SECTION 102    PURPOSE**

The purpose of these regulations is to promote and protect the harmonious development of the Borough by facilitating:

- a) The orderly and efficient integration of land development within the Borough.
- b) Proper density of population.

- c) Adequate water and sewerage.
- d) Adequate police protection, fire protection, schools, parks and other public grounds and buildings.
- e) The protection of water resources and drainageways.
- f) Adequate light and air.
- g) Adequate transportation, parking and loading space.
- h) The greater health, safety and welfare of the citizens of the Borough.
- i) Adequate sites for recreation, conservation and open space.
- j) The prevention of blight and overcrowding of land.

### **SECTION 103    COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Loganville Borough. As such, this Ordinance is based upon the expressed or implied community development objectives as contained in the Loganville Borough Comprehensive Plan.



## **ARTICLE II**

### **DEFINITIONS**

#### **SECTION 201 INTENT**

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

#### **SECTION 202 GENERAL INTERPRETATION**

Unless otherwise expressly stated the following shall, for the purposes of this Ordinance, be interpreted in the following manner:

- a) Words used in the present tense imply the future tense.
- b) Words used in the singular imply the plural.
- c) The word "person" includes a partnership or corporation as well as an individual.
- d) The word "shall" or "must" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

#### **SECTION 203 SPECIFIC WORDS AND PHRASES**

For the purposes of this Ordinance, the following words and phrases have the meaning given herein:

**ABANDONED OR JUNKED MOTOR VEHICLE** - Any vehicle that --

- 1) Is without a valid inspection sticker, registration, or title required for its lawful operation on the public roads of Pennsylvania;
- 2) Is not capable of passing a Commonwealth of Pennsylvania inspection; or
- 3) Has not been moved for a period of forty-five (45) days.

**ACCESS DRIVE** - A private drive, other than a driveway, which provides for vehicular access between a street and a parking area, loading area, drive-in service window or other facility within a land development. (See Driveway).

**ADULT ORIENTED FACILITY** - An establishment open to the general public or a private club open to members, except persons under the age of eighteen (18) years, which is used and occupied for one (1) or more of the following activities:

**ADULT BOOK STORE** - An establishment in which five percent (5%) or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers sexual devices for sale.

An establishment in which less than five percent (5%) of the occupied sales area offers for sale, for rent or lease, for loan, or for view upon the premises, such items, as described above, shall not be regulated as an Adult Oriented Facility, provided that the items are kept out of public view and not sold to persons under eighteen (18) years of age.

**ADULT CABARET** - An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**ADULT MASSAGE PARLOR** - An establishment whose business is the administration of massage to the anatomy of patrons, regardless whether or not the same includes sexual conduct, but shall exclude licensed hospitals, licensed nursing homes, medical offices, clinical offices or other offices and quarters of licensed professional health practitioners.

**ADULT THEATER** - A building, a room within a building or a portion of a building, used for presenting motion picture film, video tape, or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**ALTERATIONS** - As applied to a building or structure, any change or rearrangement in the total floor area, or an enlargement, whether by extending on a side or by increasing in height.

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

**AMENDMENT** - A change which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Borough Council.

**ANIMAL HOSPITAL OR VETERINARIAN CLINIC** - A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. Boarding of such animals shall be for medical or surgical treatment only. All activities shall be conducted within this completely enclosed building.

**APPLICANT** - Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Officer or other designated Borough official for the purpose of obtaining approval thereof.

**AUTOMOBILE** - A self-propelled motor vehicle designed for the conveyance of persons or property requiring a registration plate by the Commonwealth of Pennsylvania for operation upon public highways; including trucks, motor homes and motorcycles.

**BASEMENT** - A story having part, but not more than one-half ( $\frac{1}{2}$ ), of its height below the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions.

**BED AND BREAKFAST INN** - A single family residence or portion thereof containing not more than four (4) guest rooms, which are used by not more than eight (8) guests, where rent is paid in money, goods, labor or otherwise. (See Boarding House, Rooming House).

**BOARDING HOUSE** - A building, where for compensation, provisions are made for lodging and meals for at least three (3), but not more than fifteen (15), persons. (See Bed and Breakfast Inn, Rooming House).

**BUILDING** - Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or property. (See Structure).

**ACCESSORY BUILDING** - A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

**ATTACHED BUILDING** - A building which has two (2) or more party walls in common.

**DETACHED BUILDING** - A building which has no party wall.

**PRINCIPAL BUILDING** - A building in which is conducted the principal use of the lot on which it is located.

**SEMI-DETACHED BUILDING** - A building which has only one (1) party wall in common.

**BUILDING AREA** - The total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

**BUILDING HEIGHT** - The total overall height in feet of a building measured from the basement floor or grade level (if no basement exists) to the highest point of the roof.

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

**CARE FACILITIES** - Establishments which provide food, shelter, personal assistance, supervision and/or medical or other health related services for individuals not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity, need such care.

**ADULT DAY CARE CENTER** - Any facility in which care is provided to four (4) or more elderly or disabled adults for part of a twenty-four (24) hour day excluding care provided by relatives. Care includes personal assistance, the development of skills for daily living and the provision of social contact.

**CHILD DAY CARE CENTER** - A facility licensed by the State that provides a wide range of formal day care services for remuneration to seven (7) or more children who are supervised by a qualified staff. The child care areas in a day care center shall not be used as a family residence.

**CONVALESCENT OR NURSING HOME** - A licensed establishment which provides full-time residential, intermediate, or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.

**DOMICILIARY CARE HOME** - An existing building or structure designed as a dwelling unit for one (1) family which provides twenty-four (24) hour supervised protective living arrangements by the family residing therein for not more than three (3) unrelated persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

**FAMILY DAY CARE HOME** - A facility located in a single family residence which provides supervised care for remuneration to not more than six (6) children, who are not relatives of the care giver.

**GROUP DAY CARE HOME** - A facility, located in a single family residence, which provides supervised care for remuneration to more than six (6), but less than twelve (12), children who are not relatives of the care giver.

**GROUP HOME** - A dwelling operated by a reasonably 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 age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons and those under treatment for alcohol and/or drug abuse. Group Homes must be licensed where required by an appropriate government agency(ies), and a copy of any such licenses must be delivered to the Borough prior to beginning the use. Group Homes shall be subject to the same limitations and regulation by the Borough as single family dwellings.

**HOSPITAL** - A place for the diagnosis, treatment, or other care of humans and having facilities for in-patient care.

**PERSONAL CARE BOARDING HOME** - A type of group quarters, specifically an establishment in which food, shelter, and personal assistance or supervision are provided, on a State or Federal licensed basis, for a period exceeding twenty-four (24) consecutive hours for at least four (4) but not more than sixteen (16) persons who are over the age of eighteen (18), are not relatives of the operator and who are aged, blind, disabled, infirm or dependent, but do not require skilled or intermediate nursing care.

**CARPORT** - An accessory structure not totally enclosed which is primarily designed or used for parking automobiles.

**CELLAR** - A story having more than one-half ( $\frac{1}{2}$ ) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the number of stories or building height.

**CLUB ROOM, CLUB GROUNDS, OR MEETING HALL** - An organization catering exclusively to members and their guests or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided that there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such "club or meeting hall". "Clubs or Meeting Halls" shall include but not be limited to service and political organizations and labor unions, as well as social and athletic clubs.

**CLUSTER HOUSING DEVELOPMENT** - An area of land in single ownership, to be developed as a residential community, in which the dimensions of individual lots may be reduced, but in which common areas are provided so that the overall density required in the respective zoning district is maintained.

**COMMON OPEN SPACE** - A parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as appropriate for the recreation of residents.

**COMMUNICATION TOWER OR FACILITY** - A structure used for, intended to be used for, or containing or having affixed thereto any device of any kind or nature which is used for or intended to be used for wired or wireless telephone or telegraph exchange, radio or television cable broadcasting, micro-relay stations, wired or wireless communication antennae, and similar facilities where the highest extremity of such structure or of any projection above the structure exceeds thirty-five (35) feet above ground level. This definition shall not apply to nor include one antenna for a ham operator, nor one antenna for a citizens band or similar base station radio for personal use or for the use in the private business of the owner of such radio, so long as the same is located upon the property owned or rented by the ham operator or the owner of the base radio from which such ham radio or base radio is operated.

**CONDOMINIUM** - A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons and other parts such as halls, stairs and recreation areas are owned jointly by such persons. A condominium may be residential, commercial or industrial in nature.

**CONTRACTOR'S OFFICE** - Offices and shops for tradespeople, such as building, plumbing, cement, electrical, painting, remodeling and roofing contractors, and the like.

**CREAMERY**- An establishment that manufactures, sells and serves ice cream and related products. All creamery products sold must be manufactured on site. Ice cream products may be consumed either on or off of the site.

**DENSITY** - The number of dwelling units per acre.

**DRIVEWAY** - A private minor vehicular right-of-way providing access between a street and a garage, carport or other parking space for a single family or two family dwelling. (See Access Drive).

**DWELLING** - A building or structure designed for living quarters for one (1) or more families, including mobilehomes; but not including hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.

**MULTI-FAMILY DWELLING** - A building containing three (3) or more dwelling units including apartment houses, garden apartments or townhouses. All dwelling units are located on the same lot and share with other units a common yard area. (See diagram, page II-22).

**SINGLE FAMILY ATTACHED DWELLING** - A portion of a building containing one (1) dwelling unit, and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a separate lot. (See diagram, page II-22).

**SINGLE FAMILY DETACHED DWELLING** - A building containing only one (1) dwelling unit and having two (2) side yards. (See diagram, page II-22).

**SINGLE FAMILY SEMI-DETACHED DWELLING** - A portion of a building containing one (1) dwelling unit, having one (1) side yard and having one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a separate lot. (See diagram, page II-22).

**TWO FAMILY DWELLING** - A building containing two (2) dwelling units, having two (2) side yards and having one (1) partition in common between the two (2) dwelling units. Both dwelling units are located on the same lot. (See diagram, page II-22).

**DWELLING UNIT** - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family.

**EATING ESTABLISHMENT** - A public eating place where food is prepared and sold for either on-premises or off-premises consumption.

**FAMILY** - One or more persons related by blood, marriage, or adoption (including persons receiving foster care), and any domestic servants or gratuitous guests thereof, that maintain one common household and live within one dwelling unit. Additionally, a group of not more than five (5) unrelated persons and any domestic servants or gratuitous guests thereof who live together in a single dwelling unit with single cooking facilities and maintain a common household shall be considered as a family. Finally, a family shall also expressly include any number of unrelated persons who reside within a Group Home, as defined in this section of this Ordinance. A roomer, boarder, or lodger shall not be considered as a member of a family.

**FLOOR AREA, GROSS** - The sum of the gross horizontal areas of the floors of a building, excluding cellar, basement and attic floor areas if not devoted to the principal use. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, GROSS LEASABLE** - The sum of the floor areas designed for the tenants' occupancy and use. It is all that area on which tenants pay rent, including sales area and integral stock areas.

**FLOOR AREA, HABITABLE** - The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen, bathroom or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, closets, nor unheated areas such as enclosed porches. Earth-sheltered dwellings, designed as such, shall include the aggregate of area used for habitation as defined above, whether or not all or a portion is below ground level.

**GARAGE, PRIVATE** - An accessory building for the storage only of one (1) or more automobiles and/or vehicles accessory and incidental to the primary use of the premises, provided that no business, occupation, or service is conducted for profit therein.

**GREENHOUSE, HORTICULTURAL NURSERY** - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the primary use.

**GROUP QUARTERS** - Any dwelling, or portion thereof, which is designed or used for at least three (3), but not more than eight (8), persons unrelated to each other or to any family occupying the dwelling unit and having common eating facilities. Group quarters include, but are not limited to, fraternity and sorority houses, dormitories and other quarters of an institutional nature. Such quarters must be associated with a parent religious, educational, charitable or philanthropic institution.

**GUEST ROOM** - A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guests, but in which no provision is made for cooking. Residential non-commercial guest rooms shall be within, or attached to, the principal residence and shall be a part of the residential utility (sewer, electric, etc.) service line.

**HALF-WAY HOUSE** - A dwelling for the supervision of transitionally institutionalized individuals who are involved in drug or alcohol rehabilitation and/or individuals who have violated the law and

who are sent to a half-way house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

**HOME OCCUPATION** - A special type of accessory use, specifically an occupation, as specified in Section 617, which is clearly incidental and secondary to the use of a property for residential purposes.

**IMPERVIOUS SURFACE** - A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Areas including, but not limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, bituminous products, crushed stone or gravel, shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computation of lot coverage.

**INDUSTRIAL PARK** - A tract of land --

- 1) Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and
- 2) Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks and use requirements.

**JUNK YARD** - Any lot, land or structure, or part thereof, used primarily for the collection, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery, equipment, junked or inoperable motor vehicles, and/or for the sale of parts thereof.

**KENNEL** - Any building or buildings and/or land used for the sheltering, boarding, breeding or training of four (4) or more dogs and/or four (4) or more cats, at least four (4) months of age and kept for purposes of profit, show, hunting or as pets.

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

**LIVESTOCK** - Any farm animal, such as cattle, donkeys, horses, mules, burrows, sheep, swine or goats, kept for agricultural use, commercial purposes, or pleasure.

**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.

**CORNER LOT** - A lot at the junction of, and fronting on, two (2) streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. (See diagram, page II-20).



**DOUBLE FRONTAGE LOT** - A lot extending between and having frontage on two (2) streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. (See diagram, page II-21).

**FLAG OR PANHANDLE LOT** - A single lot having street frontage of less than the required lot width and generally configured in the shape of a "flag," with an attached "flagstaff" or "handle," which provides access to the bulk of the lot. A flag lot is allowed only by Special Exception (See Section 613).

**INTERIOR LOT** - A lot having frontage on one (1) street and adjoined on the sides and rear by other lots. (See diagram, page II-19).

**REVERSE FRONTAGE LOT** - A lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. (See diagram, page II-21).

**LOT AREA** - The area contained within the property lines of an individual parcel of land as shown on a land development plan, excluding any area within a street right-of-way, but including the area of any easement.

**LOT COVERAGE (MAXIMUM)** - A percentage which when multiplied by the lot area will determine the permitted area that can be covered with an impervious surface (ex.: buildings, driveways, parking areas and sidewalks).

**LOT LINES** - The lines bounding a lot as described in the recorded title. Also referred to as "property lines."

**LOT WIDTH** - The required continuous distance between side lot lines (or in the case of corner lots, between a front and side lot line) measured along a single street right-of-way line.

**MAJOR THOROUGHFARE** - A street or highway designated in the Loganville Borough Comprehensive Plan as an arterial or collector street. (See Appendix 1 of this Ordinance).

**MANUFACTURING** - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**MEDICAL CLINIC** - Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

**MINI-STORAGE FACILITY** - A facility providing for the enclosed storage of commercial business stock or equipment, household items, seasonal equipment and/or classic or antique

automobiles where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

**MOBILEHOME** - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILEHOME LOT** - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

**MOBILEHOME PARK** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

**MOTEL OR HOTEL** - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

**NONCONFORMITY** - A use, structure, lot or dimension in conflict with the regulations of this Ordinance, (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance. Specifically, the following types of nonconformities are distinguished:

**NONCONFORMING LOT** - A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE** - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** - A use, whether of land or of a structure, which does not comply with the applicable use or extent of use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**NONPROFIT** - An educational, religious or charitable use which qualifies as "nonprofit" under section 501-C of the Internal Revenue Service Code.

**OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT** - A use of open land for leisure time activities, such as a swimming pool, tennis court, golf driving range, miniature golf, golf course, or drive-in theater.

**OUTDOOR MOTORIZED AMUSEMENT** - A commercial establishment which provides for the use of motorized vehicles or models (e.g., model airplanes, go karts and similar vehicles).

**OWNER** - The owner of record of a parcel of land.

**PARCEL** - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land separated by an existing State or Borough road shall be considered contiguous. Parcel shall not include those contiguous tracts separately described and contained in one (1) deed which originate from separate titles and which otherwise conform to this Ordinance.

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

**PARKING LOT** - An open lot where passenger vehicles may be stored for short-term, daily, or overnight off-street parking.

**PARKING SPACE** - An off-street space available for the parking of one (1) motor vehicle and having direct usable access to a street or lane.

**PERSONAL SERVICE BUSINESS** - Personal service businesses shall include barber and beauty shops; dry cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; or any other establishment of similar nature providing personalized service to customers.

**PRIVATE** - Not publicly owned, operated or controlled.

**PROFESSIONAL OR BUSINESS OFFICES** - An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies, and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, photographers, physicians, real estate agents, teachers, and miscellaneous consulting services. Also included are offices of a governmental agency, social service organization, district justice or justice of the peace, notary, public or private utility or political organization; or an office of a bank, savings and loan association, credit or loan company, collection agency, or stock and bond broker. A contractor's office is not to be considered as a business office.

**PUBLIC** - Owned, operated or controlled by a government agency (Federal, State or local -- including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

**PUBLIC NOTICE** - 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC SEWER** - A municipal sanitary sewer system, or a comparable common or package sanitary facility, approved and permitted by the Pennsylvania Department of Environmental Resources.

**PUBLIC WATER** - A municipal water supply system, or a comparable common water facility, approved and permitted by the Pennsylvania Department of Environmental Resources.

**RECREATIONAL VEHICLE** - Any portable or mobile vehicle used or designed to be used for travel, recreation and/or temporary living purposes. A recreational vehicle shall include trailer, travel trailer, camper, snowmobile, golf cart, three (3) or four (4) wheel all terrain vehicle, trail/dirt bike, boat, airplane or other similar vehicle.

**RETAIL STORE OR SHOP** - Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this Ordinance. Among the uses not to be interpreted as a retail store or business are uses specifically provided for elsewhere in this Ordinance, including, but not limited to, a service station, vehicular sales and/or rental facility, eating establishment, adult oriented facility, hotel or motel, personal service shops, offices, and heavy storage sales facility.

**RIGHT-OF-WAY** - A right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**ROOMING HOUSE** - A residential building, other than a hotel, containing not more than one (1) dwelling unit where lodging is provided with or without meals for compensation, for at least three (3), but not more than fifteen (15), persons in addition to the family unit. No medical or personal care is provided to roomers by the operators of the facility.

**SATELLITE DISH ANTENNA** - Any accessory structure capable of receiving radio or television signals from a transmitter or transmitter relay located in planetary orbit.

**SCHOOL** - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the requirements of the Commonwealth of Pennsylvania.

**COMMERCIAL SCHOOL** - A school conducted for profit for such special instruction as business, art, music, trades, handicraft or dancing.

**SERVICE STATION** - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicular sales or rental, or automatic car washes.

**SETBACK** - The required horizontal distance between a structure and a property or street line.

**FRONT SETBACK** - The required distance between a street right-of-way line (regardless whether the same is also a front, side or rear lot line) and the front setback line projected the full width of the lot. (See diagrams, pages II-19 -- II-21).

**REAR SETBACK** - The required distance between the rear lot line, unless such line is also a street line, and the rear setback line projected the full width of the lot. (See diagrams, pages II-19 -- II-21).

**SIDE SETBACK** - The required distance between the side lot line, unless such line is also a street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line. (See diagrams, pages II-19 -- II-21).

**SETBACK LINE** - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

**SEXUAL CONDUCT** - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, analingus, or physical contact, including fondling or other erotic touching, with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

**SEXUAL DEVICE** - An artificial human penis, vagina or anus, or other device primarily designed to stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildos, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

**SEXUALLY EXPLICIT NUDITY** - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the

human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

**SHOPPING CENTER OR MALL** - A group of stores planned and designed to function as a unit for the site on which it is located with off-street parking and landscaping provided as an integral part of the unit.

**SIGN** - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including lettering or symbols that are an integral part of another structure; or any flag, badge, or other insignia of any government, government agency or of any civic, charitable, religious, fraternal or similar organization.

**ADVERTISING SIGN** - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

**ATTACHED SIGN** - A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.

**BUSINESS SIGN** - A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

**DIRECTIONAL SIGN** - A sign which directs people to: a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

**FREESTANDING SIGN** - A sign supported by uprights or braces placed upon or in the ground and not attached to a building.

**PERMANENT SIGN** - A sign permanently attached or applied to a building or structure or permanently anchored into the ground and which cannot easily be moved. Permanent signs may have either permanent or replaceable lettering.

**PORTABLE SIGN** - A temporary sign, of any material, with or without changeable type lettering, illuminated or non-illuminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels, and not permanently attached to the ground, often referred to as a "mobile sign."

**PROJECTING SIGN** - A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**SIDEWALK SIGN** - Any "A" frame, inverted "V" shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary commercial business sign.

**TEMPORARY SIGN** - A sign which is anchored to the ground or attached to a building or structure with weights, cables, pins, braces or stakes and which can easily be moved. Temporary signs are displayed for a limited period of time.

**SMALL ANIMALS** - Animals generally not considered as livestock, and also, excluding those animals normally referred to as domesticated household pets such as dogs and cats. Small animals include, but are not limited to, chinchillas, ferrets and rabbits.

**SOLID WASTE** - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials, resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapter 273, as amended, supplemented or revised.

**SPECIAL EXCEPTION** - The granting of the right-to-use land as authorized by the Zoning Hearing Board under the terms, procedures and conditions prescribed herein.

**STORY** - That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**HALF STORY** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

**STREET** - A public or private way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

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

**STREET LINE** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding driveways, walkways and parking areas. All structures must meet setback requirements. (See Building).

**ACCESSORY STRUCTURE** - A subordinate structure or a portion of the principal building or structure on a lot, the use of which is customarily incidental to that of the principal building or structure.

**SWIMMING POOL** - Any pool or open tank containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½) feet. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

**TRACT** - An area of land which may comprise the entire area or subpart of a parcel. Individual "tracts" within a parcel of land shall not constitute separate lots for the purpose of construction, permitting, or for the purposes of this Ordinance. Such tracts contained within parcels shall be considered descriptive only.

**TWO FAMILY CONVERSION** - A two family dwelling constructed by converting an existing building into two (2) dwelling units, without substantially altering the exterior of the building.

**USE** - The specific purpose for which land, a building or a structure is designed, arranged, intended, occupied or maintained.

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

**PRINCIPAL USE** - The main or primary use of property, building(s) or structure(s). If two (2) principal uses are to occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use, yet meeting all applicable Zoning district dimensional requirements.

**USE CERTIFICATE** - A certificate, issued by the Zoning Officer, which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

**UTILITY SHED** - A small building having a floor area not exceeding one hundred twenty (120) square feet, and a height of not more than ten (10) feet, intended primarily for the storage of yard and garden equipment, bicycles and miscellaneous household items incidental to a residence. Such buildings shall not be used to house an automobile and no access to such buildings shall face a street right-of-way.



**VARIANCE** - The permission, granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for a particular modification to some regulation or provision of the zoning regulations of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and intent of this Ordinance.

**VEHICLE SALES OR RENTAL FACILITY** - An open lot for the outdoor display of new or used automobiles, recreational vehicles, and similar vehicles when accessory to a vehicle sales, rental or display building.

**VEHICLE SERVICE AND REPAIR FACILITY** - A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, servicing, or supplying of gasoline or oil to automobiles, recreational vehicles and similar vehicles.

**VEHICLE WASHING FACILITY** - A building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services related to washing and polishing.

**WAREHOUSE** - A structure to be used for storage only of equipment and merchandise.

**WHOLESALE ESTABLISHMENT** - A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. Such commodities shall be limited to durable goods, sundries, dry goods and non-perishable items.

**YARD** - The prescribed open area on a lot, unobstructed from the ground upward, except as modified in Section 404 of this Ordinance.

**FRONT YARD** - An area bounded by the street right-of-way line(s), front wall of the principal building and side lot line(s). (See diagrams, pages II-19 - II-21).

**REAR YARD** - An area bounded by the rear lot line (and street right-of-way line in the case of double frontage, reverse frontage or triple frontage lots), rear wall of the principal building and side lot lines. (See diagrams, pages II-19 - II-21).

**SIDE YARD** - An area bounded by a side lot line and the front, rear and/or side walls of the principal building. (See diagrams, pages II-19 - II-21).



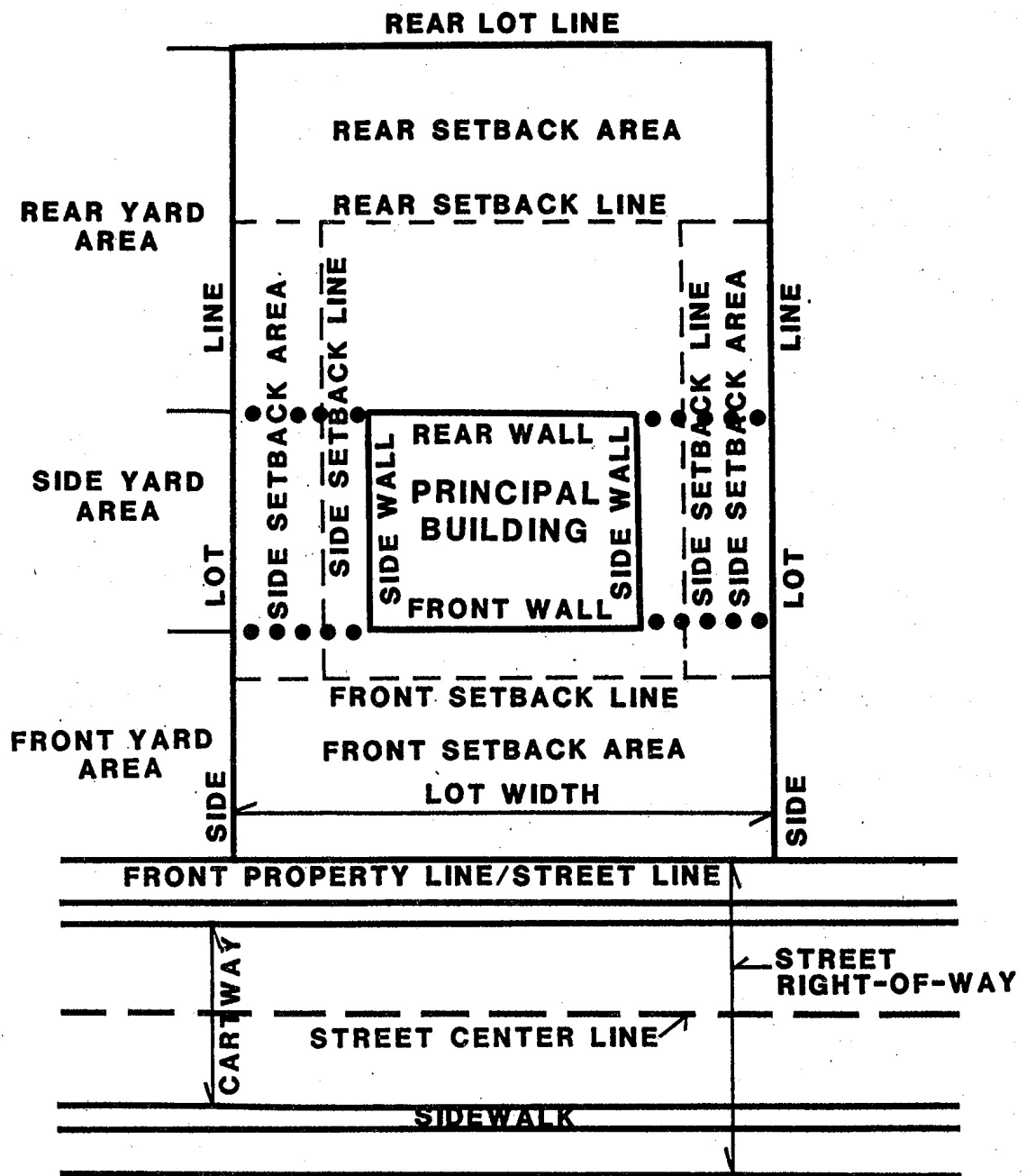


DIAGRAM DEPICTING SELECTED ZONING TERMS AS APPLICABLE TO INTERIOR LOTS

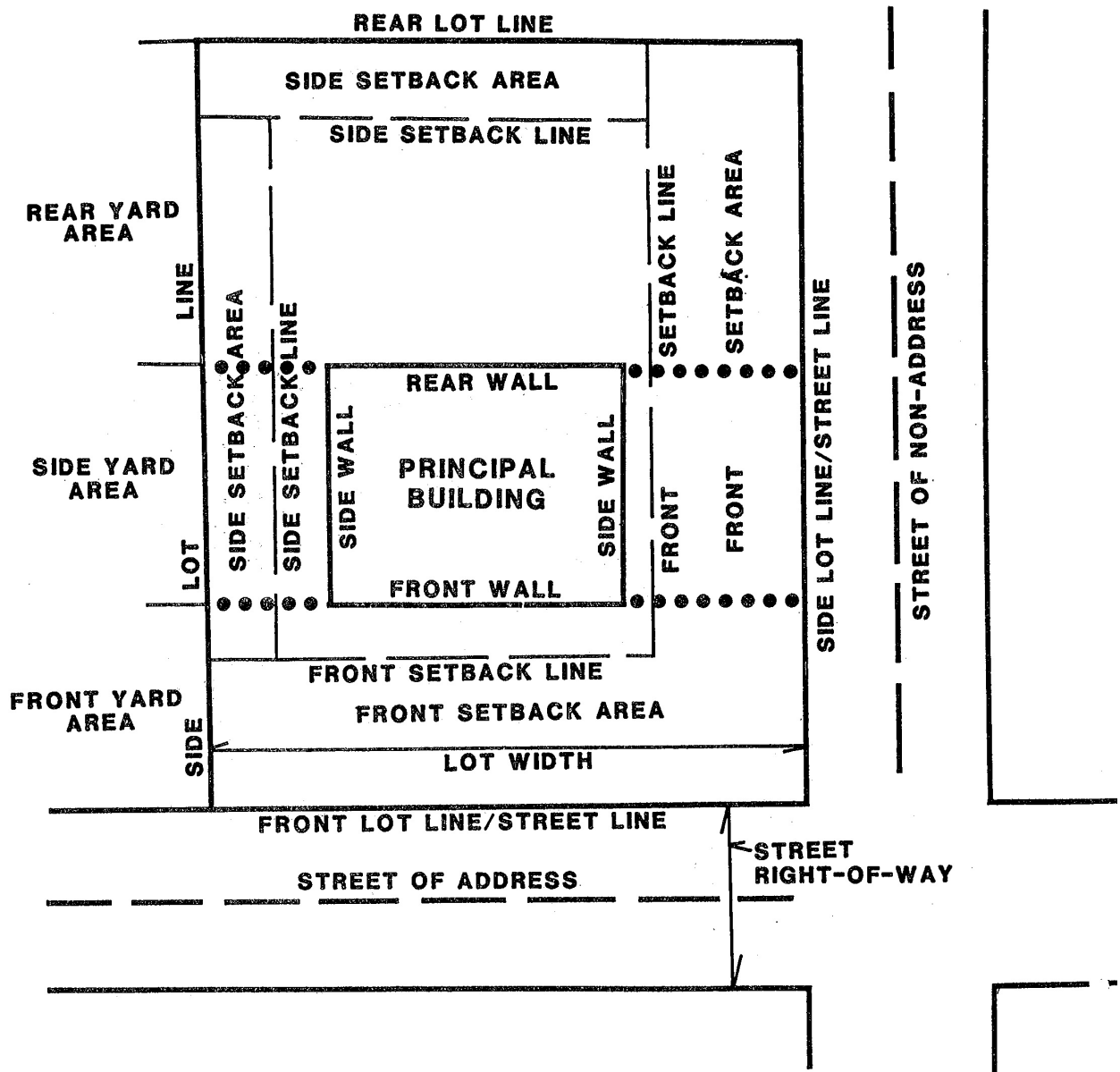


DIAGRAM DEPICTING CERTAIN ZONING TERMS AS APPLICABLE TO CORNER LOTS

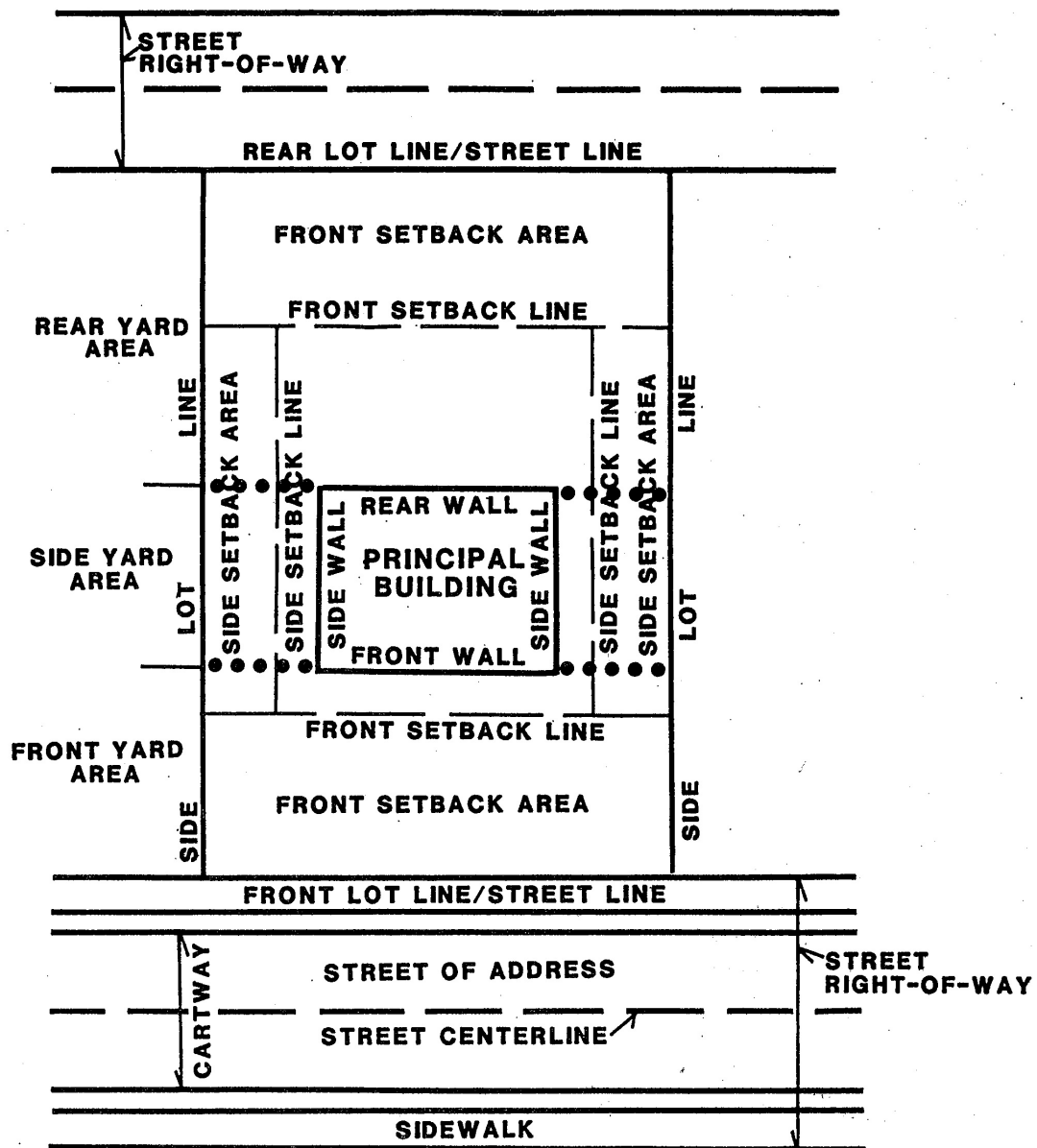


DIAGRAM DEPICTING CERTAIN ZONING TERMS AS APPLICABLE TO A DOUBLE OR REVERSE FRONTAGE LOT

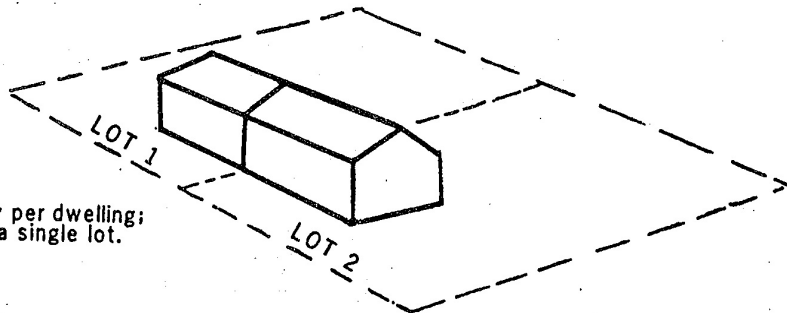
## SKETCHES OF RESIDENTIAL DWELLING TYPES

### SINGLE FAMILY DETACHED DWELLING



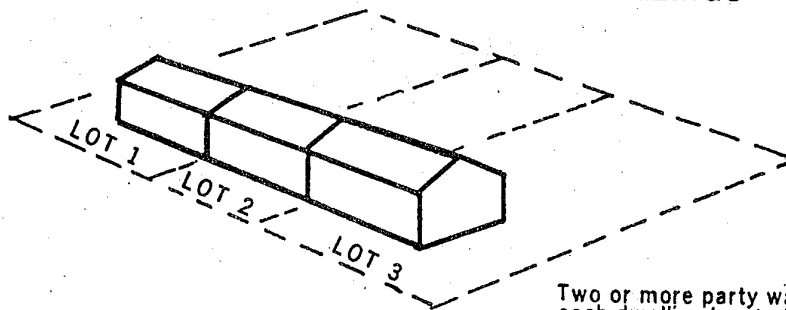
No party wall, one family, located on a single lot.

### SINGLE FAMILY SEMI-DETACHED DWELLING



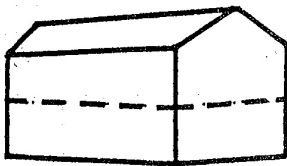
One party wall, one family per dwelling; each dwelling located on a single lot.

### SINGLE FAMILY ATTACHED DWELLINGS

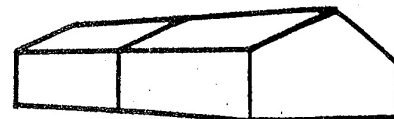


Two or more party walls, one family per dwelling; each dwelling located on a single lot.

### TWO FAMILY DWELLINGS

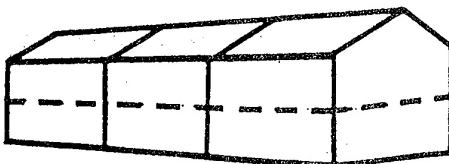


No party wall, one unit per floor; building located on a single lot.

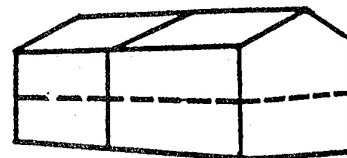


One party wall, one family per unit, both units located on a single lot.

### MULTI-FAMILY



Two or more party walls, three or more families; all units located on a single lot.



One or more party walls, four or more families; all units located on a single lot.

## ARTICLE III

### ZONE REGULATIONS

#### SECTION 301 ZONES AND BOUNDARIES

- a) Establishment of Zones:** The Borough of Loganville is divided into zones enumerated below and shown on the map entitled "Zoning Map of Loganville Borough" which map is part of this Ordinance.

R-S - Residential-Suburban  
R-U - Residential-Urban  
C - Commercial  
I - Industrial  
VC - Village Center

- b) Boundaries of Zones:** Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center lines of streams, rivers or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1. through 5. shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsections 1. through 6., the Zoning Hearing Board shall interpret the district boundaries.

- c) Lots Split by Boundaries of Zones:** If a lot is split by a zoning boundary, the minimum lot area and lot width for the zone in which the principal building, structure or use is to be located shall be applicable to the entire lot.

## SECTION 302 USE REGULATIONS

- a) **Uses Permitted:** The uses permitted in the zones established by this Ordinance and the permitted extent of these uses, are as shown in Sections 303 through 308. The uses listed as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However,
1. Additional general provisions are set forth in ARTICLE IV.
  2. Modifications to the use or dimensional requirements are set forth in ARTICLE IV.
  3. Standards for Special Exception uses are set forth in ARTICLES V and VI.
- b) **All Other Uses:** Any use not specifically allowed elsewhere in this Ordinance shall be allowed by Special Exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by Special Exception provided that said use meets the requirements for a Special Exception and does not constitute a public or private nuisance.
- c) **Accessory Uses and Structures:** Accessory uses, buildings and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses, buildings and structures as set forth in Section 401.
- d) **Uses with Nuisance Effect:** In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.



## **SECTION 303 RESIDENTIAL-SUBURBAN ZONE (R-S)**

**a) Purpose:** The purpose of the Residential-Suburban Zone is to provide for an orderly expansion of suburban type residential development in areas which are or can be feasibly supplied with public facilities and services; to provide for a variety of housing types; to provide for the public health and prevent the overcrowding of land through the application of maximum housing densities; to exclude activities of a commercial or industrial nature and any activities not compatible with suburban-type residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

**b) Uses by Right:** The following uses are permitted by right in the R-S Zone:

1. Crops or Gardening
2. Family Day Care Home
3. Group Home
4. Single Family Detached Dwelling
5. Single Family Semi-Detached Dwelling
6. Two Family Dwelling

**c) Uses by Special Exception:** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES V and VI of this Ordinance.

1. Adult or Child Day Care Center or Nursery School
2. Bed and Breakfast Inn
3. Cemetery
4. Club Room, Club Ground, or Meeting Hall
5. Cluster Housing Development
6. Domiciliary Care Home
7. Flag Lot
8. Group Day Care Home
9. Home Occupation
10. House of Worship
11. Keeping of Livestock, Small Animals, and/or Poultry
12. Mobilehome Park
13. Nonprofit Recycling Collection Center
14. Park or Other Open Space Area of a Nonprofit Nature
15. Personal Care Boarding Home
16. Public Buildings and Facilities
17. Public Utility Building and/or Service Structure
18. Rooming House or Boarding House
19. Single Family Attached Dwelling
20. Two Family Dwelling Conversion

- d) Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer		Public Water or Public Sewer		No Public Water or Public Sewer (see Subsection h)	
	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width
Single Family & Two Family Dwellings	8,000 sq. ft./unit	80 ft./unit	30,000 sq. ft./unit	110 ft./unit	1 acre/unit	150 ft./unit
All Other Uses	20,000 sq. ft.	100 ft.	30,000 sq. ft./unit	125 ft./unit	1 acre/unit	150 ft.

- e) Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
1. Front Setback - Thirty-five (35) feet.
  2. Each Side Setback - Ten (10) feet. Semi-detached and attached dwellings shall be considered as one building for this purpose.
  3. Rear Setback - Thirty (30) feet.
- f) Height:** The height limit for a principal building or structure shall be two and one-half (2 ½) stories, but not over thirty (30) feet, except that the height limit may be extended to three and one-half (3 ½) stories, but not over forty (40) feet, if each yard is increased in width one (1) foot for each additional foot of height over thirty (30) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet. There shall be no height limitation for farm buildings.
- g) Lot Coverage:** Not more than forty-five percent (45%) of the lot area may be covered with an impervious surface.
- h) Required Utilities:** Each principal use shall be serviced by the existing public water system if it is determined by the Borough that water capacity is available and that it is feasible to have the service extended to serve the principal use. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- i)** Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied; e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

## **SECTION 304 RESIDENTIAL-URBAN ZONE (R-U)**

**a) Purpose:** The purpose of the Residential-Urban Zone is to improve and maintain the character of the old, established residential areas within the Borough; to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities.

**b) Uses by Right:** The following uses are permitted by right in the R-U Zone:

1. Crops or Gardening
2. Family Day Care Home
3. Group Home
4. Single Family Detached Dwelling
5. Single Family Semi-Detached Dwelling
6. Two Family Dwelling

**c) Uses by Special Exception:** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES V and VI of this Ordinance.

1. Adult or Child Day Care Center or Nursery School
2. Apartment in Conjunction with an Office or Personal Service Business
3. Bed and Breakfast Inn
4. Cemetery
5. Club Room, Club Grounds, or Meeting Hall
6. Convalescent Home, Nursing Home, or Hospital
7. Domiciliary Care Home
8. Flag Lot
9. Group Day Care Home
10. Group Quarters
11. Home Occupation
12. House of Worship
13. Medical Clinic
14. Multi-Family Dwelling(s) (**No Conversion from Single Family Dwelling**)
15. Neighborhood Grocery or Convenience Store
16. Nonprofit Recycling Collection Center
17. Park or Other Open Space Area of a Nonprofit Nature
18. Personal Care Boarding Home
19. Personal Service Business or Professional or Business Office
20. Public Buildings and Facilities
21. Public Utility Building and/or Service Structure
22. Rooming House or Boarding House
23. Single Family Attached Dwelling
24. Two Family Dwelling Conversion

- d) Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer		Public Water or Public Sewer		No Public Water or Public Sewer (see Subsection h)	
	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width
Single Family & Two Family Dwellings	6,000 sq. ft./unit	60 ft./unit	30,000 sq. ft./unit	110 ft./unit	1 acre/unit	150 ft./unit
All Other Uses	15,000 sq. ft.	100 ft.	20,000 sq. ft.	100 ft.	1 acre/	150 ft.

- e) Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
1. Front Setback - Thirty-five (35) feet.
  2. Each Side Setback - Five (5) feet. Semi-detached and attached dwellings shall be considered as one building for this purpose.
  3. Rear Setback - Thirty (30) feet.
- f) Height:** The height limit for a principal building or structure shall be two and one-half (2 ½) stories, but not over thirty (30) feet, except that the height limit may be extended to three and one-half (3 ½) stories, but not over forty (40) feet, if each yard is increased in width one (1) foot for each additional foot of height over thirty (30) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet.
- g) Lot Coverage:** Not more than sixty percent (60%) of the lot area may be covered with an impervious surface.
- h) Required Utilities:** Each principal use shall be serviced by the existing public water system if it is determined by the Borough that water capacity is available and that it is feasible to have the service extended to serve the principal use. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.
- i)** Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied; e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

## **SECTION 305    COMMERCIAL ZONE (C)**

**a) Purpose:** The purpose of the Commercial Zone is to provide reasonable standards for the orderly expansion of commercial uses in areas where such uses already exist and where the development of such uses is feasible and appropriate.

**b) Uses by Right:** The following uses are permitted by right in the C Zone:

1. Animal Grooming Shop
2. Animal Hospital or Veterinary Clinic
3. Caretaker or Watchman Dwelling
4. Coin Operated Laundry, and/or Dry-Cleaning Establishment
5. Commercial School
6. Eating Establishment
7. Family Day Care Home
8. Financial Institution
9. Funeral Home
10. Greenhouse or Horticultural Nursery
11. Heavy Storage Service (Ex., Warehouse, Building Material Yard)
12. Hotel or Motel
13. Indoor Commercial Recreational Establishment
14. Parking Lot or Parking Garage
15. Personal Service Business
16. Professional or Business Office
17. Public Buildings and Facilities
18. Retail Store or Shop

**c) Uses by Special Exception:** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES V and VI of this Ordinance.

1. Adult or Child Day Care Center or Nursery School
2. Apartment in Conjunction with Commercial Establishment
3. Bed and Breakfast Inn
4. Club Room, Club Grounds, or Meeting Hall
5. Contractor's Office
6. Convalescent Home, Nursing Home, or Hospital
7. Domiciliary Care Home
8. Group Day Care Home
9. Group Quarters
10. Half-Way House
11. Kennel
12. Medical Clinic
13. Mini-Storage Facility
14. Nonprofit Recycling Collection Center

15. Outdoor Commercial Recreational Establishment
16. Public Utility Building and/or Service Structure
17. Research Laboratory
18. Service Station or Convenience Store Dispensing Fuel
19. Shopping Center or Mall
20. Vehicle Rental, Sales, Service and/or Repair Facility
21. Vehicle Washing Facility
22. Outdoor Motorized Amusement

- d) Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer (see Subsection h)
Lot Area	10,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.
Lot	80 ft.	100 ft.	125 ft.

- e) Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Twenty-five (25) feet.
2. Each Side Setback - Ten (10) feet. Semi-detached and attached dwellings shall be considered as one building for this purpose.
3. Rear Setback - Twenty (20) feet.

- f) Height:** The height limit for a principal building or structure shall be three (3) stories, but in no case more than thirty-five (35) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet.

- g) Lot Coverage:** Not more than eighty-five percent (85%) of the lot area shall be covered with an impervious surface.

- h) Required Utilities:** Each principal use shall be serviced by the existing public water system if it is determined by the Borough that water capacity is available and that it is feasible to have the service extended to serve the principal use. If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

- i)** Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied; e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

## SECTION 306 INDUSTRIAL ZONE (I)

- a) Purpose:** The purpose of the Industrial Zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Borough and otherwise further the purposes of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this Zone is:

1. To encourage the development of and continued use of land for industrial purposes.
2. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the Zone.
3. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards.

- b) Uses by Right:** The following uses are permitted by right in the I Zone:

1. Animal Hospital or Veterinary Clinic
2. Caretaker or Watchman Dwelling
3. Greenhouse or Horticultural Nursery
4. Heavy Storage, Sales and/or Service Facility (e.g., warehouse, building material yard, construction equipment, commercial vehicles)
5. Industrial activities involving manufacturing; processing; packaging; printing, publishing and binding; production; testing of materials, goods and products; conversion and assembly; industrial laundries; repair of large appliances and equipment; machine shops and welding shops
6. Industrial Park
7. Parking Lot or Parking Garage
8. Professional or Business Office
9. Public Buildings and Facilities
10. Research Laboratory
11. Wholesale Establishment

- c) Uses by Special Exception:** The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in ARTICLES V and VI of this Ordinance.

1. Adult Oriented Facility
2. Adult or Child Day Care Center or Nursery School
3. Contractor's Office
4. Junk Yard or Automobile Dismantling Plant
5. Mini-Storage Facility
6. Nonprofit Recycling Collection Center

7. Outdoor Commercial Recreational Establishment
8. Public Utility Building and/or Service Structure
9. Solid Waste Processing Facility
10. Truck or Motor Freight Terminal
11. Communication Tower or Facility
12. Outdoor Motorized Amusement

**d) Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this Zone:

	Public Water and Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer (see Subsection h)
Lot Area	10,000 sq. ft.	20,000 sq. ft	1 acre
Lot Width	80 ft.	100 ft.	150 ft.

**e) Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:

1. Front Setback - Thirty (30) feet.
2. Each Side Setback - Twenty (20) feet.
3. Rear Setback - Thirty (30) feet.

**f) Height:** The height limit for a principal building or structure shall be three (3) stories, but not more than thirty-five (35) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet.

**g) Lot Coverage:** Not more than eighty-five percent (85%) of the lot area may be covered with an impervious surface.

**h) Required Utilities:** Each principal use shall be serviced by the existing public water system if it is determined by the Borough that water capacity is available and that it is feasible to have the service extended to serve the principal use.

If public sewer is available, each principal use must be serviced by the existing public sewer system, provided that sewer capacity is available and that it is feasible to have the service extended to serve the principal use.

**i) Performance Standards for Industrial Activities:** Industrial activities shall not:

1. Cause vibration, dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot.



2. Cause noise exceeding that of street traffic at the front lot line.
  3. Cause glare observable from beyond the boundaries of the lot.
  4. Constitute an unusual fire or explosion hazard.
- j) Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied, e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.

## **SECTION 308 VILLAGE CENTER ZONE (VC)**

### **a) Purpose: The intent of the Village Center Zone (VC) is to:**

1. Recognize and protect the historic settlement patterns and existing village characteristics of Loganville Borough.
2. Provide for the redevelopment of an underutilized area of the Borough through a mixture of residential types, commercial, public and civic uses.
3. Allow a limited number of intensive uses through the obtainment of specific approval by special exception.
4. Integrate local businesses and residences to enhance resident convenience and offer limited employment opportunities.
5. Provide for convenient vehicular access but increased reliance upon pedestrian movements.
6. Make efficient use of local infrastructure and services.

### **b) Uses by Right: The following uses are permitted by right in the VC Zone:**

1. Crops or Gardening
2. Group Home
3. Single Family Detached Dwelling
4. Single Family Semi-Detached Dwelling
5. Two Family Dwelling
6. Public Buildings and Facilities
7. Family Day Care Home

### **c) Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Articles V and VI of this Ordinance:**

1. Apartment in Conjunction with an Office, Personal Service Business or Commercial Establishment. (See Sections 604 & 646.)
2. Personal Service Business, excluding Adult Businesses and Drive-Through Services. (See Sections 632 & 646.)

3. Retail Store, provided that the total sales and/or display area is two thousand (2,000) square feet or less. (See Section 646.)
  4. Eating Establishments, excluding Drive-Through Services. (See Section 646.)
  5. Neighborhood Grocery or Convenience Store. (See Sections 626 & 646.)
  6. Bed and Breakfast Inn. (See Sections 605 & 646.)
  7. Medical Clinic. (See Section 622.)
  8. Creamery w/Retail, provided that the total retail sales and/or display area is one thousand (1,000) square feet or less. (See Section 647.)
  9. Professional and Business Office. (See Section 632 & 646.)
  10. Outdoor Commercial Recreational Establishment. (See Section 629).
  11. Club Room, Club Grounds, or Meeting Hall. (See Section 607 & 646.)
  12. House of Worship. (See Section 618 & 646.)
  13. Cemetery. (See Section 606.)
  14. Group Quarters. (See Section 615 & 646.)
  15. Multi-Family Dwelling (s) (No Conversion from Single Family Dwelling). (See Section 625.)
  16. Rooming House or Boarding House. (See Sections 636 & 646.)
  17. Single Family Attached Dwelling. (See Sections 639 & 646)
  18. Two Family Dwelling Conversion. (See Sections 642 & 646.)
  19. Public Utility Building and/or Service Structure. (See Sections 634 & 646.)
  20. Parks or other Open Space Area of a Nonprofit Nature. (See Section 630.)
  21. Home Occupations. (See Section 617.)
  22. Adult or Child Day Care Center or Nursery School. (See Sections 603 & 646.)
- d) Lot Area and Width:** Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in the Zone:

1. Lot Area: 10,000 square feet
  2. lot Width: 60 feet
- e) **Setbacks:** Each lot shall provide front, side and rear setbacks not less than the following:
1. Front Setback: All buildings, and structures, except permitted signs, shall be set back at least twenty (20) feet from street right-of-way; off street parking lots and loading areas are not permitted in the front yard area.
  2. Side Yard Setbacks: All buildings and structures shall be set back at least five (5) feet from the side lot lines. Off-street parking lots and loading areas shall be setback at least five (5) feet from the side lot lines. Unless joint parking facilities are shared by adjoining uses, one (1) of the side yard setbacks can be waived solely for parking facilities.
  3. Rear Yard Setback: All buildings and structures shall be set back at least twenty-five (25) feet from the rear lot line; off-street parking lots and loading areas shall be set back at least ten (10) feet from the rear lot line.
- f) **Height:** The height limit for a principal building or structure shall be two and one-half (2½) stories, but not over thirty (30) feet, except that the height limit may be extended to three and one-half (3½) stories, but not over forty (40) feet, if each yard is increased in width one (1) foot for each additional foot of height over thirty (30) feet. The height limit for an accessory building or structure shall be two (2) stories, but not over twenty-five (25) feet.
- g) **Lot Coverage:** Not more than seventy-five percent (75%) of the lot area may be covered with an impervious surface.
- h) **Required Utilities:** Connection to public sewer and public water is required.
- i) **Number of Permitted Uses:** Two (2) or more independent uses permitted in this Zone may be established within a single principal building provided that the regulations established in this Ordinance for each individual use are satisfied; e.g. parking, special exception provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established.
- j) **Vehicular Access:** Unless otherwise specified, vehicular access to any lot located in the VC Zone may not be taken directly from any major thoroughfare as identified in the Loganville Borough Comprehensive Plan.
- k) **Outdoor Storage:** No outdoor storage is permitted.

## ARTICLE IV

### GENERAL PROVISIONS

#### SECTION 401 ACCESSORY USES AND STRUCTURES

- a) **Attached Structures:** Any accessory structure, attached to the principal structure, is considered a part of the principal structure for all regulatory purposes.
- b) **Non-attached Structures:** Any accessory structure, standing apart from the principal structure, is permitted only in a rear yard; provided, however, that it is at least five (5) feet from any side or rear lot line and not located within any required front setback area.

The following provisions, however, set forth modifications to this regulation, as well as additional regulations governing non-attached structures:

1. Multi-purpose accessory structures, which have an area not exceeding one hundred twenty (120) square feet (for example, utility sheds, dog houses, play houses, etc.) shall not be located closer than three (3) feet from any street line or lot line.
  2. A mobilehome, or other structure that has been built and titled under the Pennsylvania Motor Vehicle Code (e.g. recreational vehicle, truck trailer) shall not be used as an accessory structure on any lot.
  3. Apartments or other living quarters shall not be permitted in any accessory structure.
  4. Other than as listed above, for all other requirements, a non-attached structure is considered the same as a principal building.
- c) **Fences and Walls:** A fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) must comply with the following provisions:
    1. In a Residential Zone, no fence or wall shall exceed a height of more than four (4) feet in a front yard or front setback area or more than six (6) feet in a side or rear yard area.
    2. For all uses in a Commercial or Industrial Zone, no fence may exceed eight (8) feet in height in any yard area.
    3. In all zones, fences may be located up to, but not on, the lot line. However, if vegetation or other plantings are to be planted to form a wall or fence, such plantings must be planted at least three (3) feet from any property line.
    4. In all zones, a clear sight triangle must be maintained at all street intersections.

- d) Solar and Wind Energy Facilities:** Solar or wind energy systems, either as part of a structure or as an independent structure, providing a significant fraction of the electricity, space heating, space cooling or domestic hot water heating for a permitted use in any zone shall be permitted as accessory uses subject to the following constraints:

1. Solar Energy Systems

- a. Solar energy systems shall be permitted in any yard area except the front yard area. Flush-mounted units, however, may be mounted on any side of the structure.
- b. No solar energy system located on the ground shall exceed a height of eight (8) feet. No solar energy system mounted on a roof shall project more than five (5) feet above the peak of the roof.
- c. The maximum ground coverage of a structure supporting a solar collector shall not exceed twenty-five percent (25%) of the area of the ground floor of the principal building. Solar collectors and/or solar energy systems, however, shall not be included in the lot coverage calculations, provided their installation will not create adverse storm water problems and will not significantly detract from the groundwater recharge potential of the immediate vicinity.
- d. Solar energy systems may be located within ten (10) feet of a side or rear property line, provided that no portion of the structure or architectural features needed for operation of the system projects over the property line; its location does not interfere with sight distance at street intersections; and that existing solar energy systems will not be substantially impaired by shadowing more than ten percent (10%) of the collector area between nine (9) a.m. and three (3) p.m. on a clear winter solstice (December 21) day.

2. Wind Energy Systems

- a. Wind energy systems shall be permitted in any yard area except the front yard area.
- b. The setback from any lot line must be equal to the height of the tower, plus the length of the longest extension of the rotor.
- c. Climbing access to the tower shall be secured from use by unauthorized persons.

- e) Satellite Dish Antenna:** Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or transmitter relay located in planetary orbit shall be subject to the following constraints:

1. Such devices shall not be placed within any required setback area.
2. Satellite dish antenna shall be permitted only in the rear yard area, provided that no portion of the structure projects over the lot line.

3. No ground-mounted dish antenna on any residential lot shall exceed an overall diameter of twelve (12) feet or an overall height of fifteen (15) feet.
4. No roof-mounted dish antenna shall project more than five (5) feet above the peak of the roof.
5. Only one (1) satellite dish antenna is permitted per residential building lot.

**f) Outdoor Swimming Pools:**

The following regulations apply to any pool or open tank capable of containing water to a depth greater than one and one-half (1 ½) feet:

1. An outdoor swimming pool is permitted only in the side or rear yard area, and must be at least ten (10) feet from the side and rear lot lines and not located within any required front setback area.
2. Every in-ground swimming pool must be completely surrounded by a fence or wall that has a height of not less than four (4) feet above the ground. The fence or wall shall be constructed so as not to have openings, holes or gaps larger than six (6) inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
3. Every above-ground swimming pool shall meet one (1) of the following provisions:
  - a. In cases where the top of the pool, at all points, is at least four (4) feet above the ground level, such pool shall be equipped with a removable or retractable ladder which must be removed or retracted when not in use, unless surrounded by a separate fence or wall meeting the requirements of Subsection 2. above.
  - b. In cases where any portion of the pool is less than four (4) feet above the ground level, or if a deck and steps are constructed, a separate fence or wall, meeting the requirements of Subsection 2. above, must be provided.
4. Every spa and hot tub must be surrounded by a fence or wall meeting the requirements of Subsection 2. above, unless covered by a rigid, secure cover which eliminates potential access by children and unauthorized persons.
5. All fences, walls, doors, gates and ladders, required per this Section, shall be maintained in good condition and not allowed to become dilapidated.
6. Agricultural use ponds and stormwater management facilities shall be excluded from the above requirements.

## **SECTION 402 UNENCLOSED STORAGE**

- a) Abandoned or Junked Motor Vehicles:** Except as provided in Section 619, abandoned or junked motor vehicles must be stored in accordance with the Borough Ordinance which regulates junked and abandoned vehicles on public and private property within the Borough.
- b) Recreational Vehicles, Trailers and Trucks:** In the Residential Zones, recreational vehicles, trailers and/or trucks with a vehicle rating over one (1) ton shall not be stored or parked for a period in excess of three (3) days, November through April, in the area between the street line and the line formed by the front wall of the principal building extended the full width of the lot. On-street parking of the above, for a period in excess of twenty-four (24) hours, is prohibited in all zones.
- c) Outdoor Stockpiling:** In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted in any front yard area.
- d) Trash, Garbage, Refuse or Junk:** Except as provided in Section 619, or other Borough Ordinances, the outdoor accumulation of trash, garbage, refuse or junk for a period exceeding fifteen (15) days is prohibited in all zones.

## **SECTION 403 SALE OF AGRICULTURAL PRODUCTS**

In all zones, the sale at retail of agricultural products is permitted on the property where they were produced provided that the sale of such products is clearly accessory to the principal use of that property.

## **SECTION 404 SETBACK MODIFICATIONS**

- a) Front Setbacks from Major Thoroughfares:** For the purpose of protecting residential uses from adverse influences of traffic and for the purpose of protecting major thoroughfares for their traffic functions, buildings (including residential and nonresidential buildings) along these thoroughfares must be set back at least fifty (50) feet from the right-of-way line of the thoroughfare in all zones. Major thoroughfares are the arterial streets and collector streets as specified in the Loganville Comprehensive Plan or as designated by the Borough Planning Commission. (See Appendix 1 of this Ordinance.)
- b) Front Setback of Buildings on Built-up Streets:** Where at least two (2) buildings are --
  - 1. Fronting on the same side of the street as the lot in question,
  - 2. Within the same block as the lot in question,
  - 3. Set back a lesser distance than required, and



4. Not more than one hundred (100) feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for the lot.

**c) Setback on Corner Lots, Double Frontage, and Reverse Frontage Lots:** In the case of corner, double frontage and reverse frontage lots, two (2) front setbacks and two (2) side setbacks shall be provided.

**d) Accessory or Appurtenant Structures and Architectural Features:**

The setback regulations do not apply to the following, provided that they are not located within the clear sight triangle:

1. Student shelters at school bus stops; telephone booths; minor utility structures.
2. Cornices, eaves, chimneys, steps, and similar extensions.
3. Open fire escapes.
4. Articles of ornamentation or decoration.
5. Retaining walls.
6. Unenclosed and uncovered porches, decks, patios and other similar unenclosed and uncovered structures customarily incidental to the principal building may extend into the front setback but by no more than twenty (20%) percent of the distance of the front setback, and may extend into the rear setback but by no more than fifty (50%) percent of the distance of such setback.

**e) Sight Distance:** Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

Street	Clear Sight Triangle Side
Major Thoroughfares*	150 feet
Minor Streets	75 feet
Driveways	30 feet**

\* For purposes of this Ordinance, Interstate 83, Main Street (S.R. 3001), Ore Street (S.R. 0214), and North Street (S.R. 3100) shall be classified as major thoroughfares. All other streets in the Borough shall be classified as minor streets. (See Appendix 1 of this Ordinance.)

\*\* See Section 410.e)

No building or construction is permitted in this area except as follows:

1. Obstructions or plantings less than three (3) feet in height.
2. If not obstructing view of traffic, post columns and trees not exceeding one (1) foot in diameter.

**f) Setback for Other Structures Which are Not Buildings:** Unless otherwise clearly stated in this Zoning Ordinance, the setback for any structure which is not a building, measured from all property and street lines, shall equal the height of the structure above ground level measured from its uppermost extremity including any projection attached at the top thereof, but not less than the setback provided for the zone in which the structure is located.

## **SECTION 405 HEIGHT MODIFICATIONS**

The height regulations do not apply to the following projections provided that the height of any such projection above its base shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line:

- a) Structures such as chimneys, standpipes, flagpoles, television antennas (excluding residential satellite dish antennas) or radio towers.
- b) Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five percent (25%) of the roof on which they are located.
- c) Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet in height above the roof line.

## **SECTION 406 MINIMUM HABITABLE FLOOR AREA**

All dwelling units must conform to the minimum habitable floor area as follows:

- a) **Single Family and Two Family Dwellings:** Nine hundred (900) square feet per dwelling unit.
- b) **Multi-family Dwellings and Two Family Conversions:** Six hundred (600) square feet per dwelling unit.

## **SECTION 407 OUTDOOR SIGNS**

### **a) General Regulations for All Signs**

1. **Determination of Size:** The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs the space between such letters, figures and designs shall be included. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back

and at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal size.

2. Location/Projection of Signs:

- a. Signs must be located so that they do not interfere with any clear sight triangle as defined by this Ordinance.
- b. For all uses, an advertising sign and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a Residential Zone.
- c. No sign may project over a public sidewalk area or over a public highway or street unless specifically authorized by other Borough or State regulations.
- d. Sidewalk signs shall be placed in such a manner so as not to extend more than three (3) feet from the building line. In any event, a minimum four (4) foot pedestrian area must be maintained from the curb to the sign so as not to obstruct pedestrian traffic.

3. Illumination of Signs:

- a. Flashing, rotating, and intermittent lights are not permitted.
- b. Signs permitted in the Residential Zones shall be illuminated only by indirect lighting and shall not be illuminated between the hours of eleven (11) p.m. and six (6) a.m.
- c. A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any residence within one hundred (100) feet or so it does not obstruct the vision of motorists.
- d. Signs which are illuminated in the colors red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as fluorescent paint or glass, may not be located within a radius of two hundred (200) feet of a highway traffic light or similar safety device or from the center of any street intersection.

- 4. Advertising painted upon, or displayed upon, a barn or other building or structure shall be regarded as an advertising sign board and the regulations pertaining thereto shall apply.
- 5. Nothing in these regulations shall be construed as prohibiting signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a display window, announcing a sale or similar feature, provided that the latter shall not occupy more than thirty-three and one-third percent (33 1/3%) of the total display window area for a

period not to exceed ten (10) days. Such signs shall be permitted in addition to any of the specific sign types designated on the charts to follow.

6. Buntings & Pennants: Buntings and pennants are permitted only to announce the opening of a new business or industry, or in connection with a civic event, and must be removed after thirty (30) days.
7. Construction and Maintenance: Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated.
8. Termination of Enterprise: Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

**b) Permitted Permanent Signs**

Only the types of permanent signs listed on Chart A, which follows, shall be permitted throughout the Borough. Permanent signs must conform to the standards set forth in Chart A, as well as satisfy the general regulations of Subsection a) of this Section. Building permits shall be required for all permanent signs.

**c) Permitted Temporary Signs**

Only the types of temporary signs listed on Chart B, which follows, are permitted throughout the Borough. Temporary signs must conform to the standards set forth in Chart B, as well as satisfy the general regulations of Subsection a) of this Section.

**d) Advertising Signs**

Advertising signs shall be permitted in the Industrial Zone subject to the provisions of Subsection a) of this Section and the following criteria:

1. Only one (1) advertising sign per lot shall be permitted.
2. No advertising sign shall exceed an overall size of seventy-five (75) square feet, nor exceed thirty-five (35) feet in height.
3. No advertising sign shall be located within three hundred (300) feet of another advertising sign.
4. All advertising signs shall be a minimum of fifty (50) feet from all side and rear property lines.
5. All advertising signs shall be setback a minimum of thirty-five (35) feet from any street right-of-way line.
6. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses which depend upon visibility for identification.

CHART A  
PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-1: All signs & signals owned & operated by the Borough.	-	-	-	-	-	-	All
P-2: Identification and information for public & semi-public facilities; such as schools, house of worship, public utilities, clubs, hospitals, libraries, historical, etc.	1 free-standing and/or 1 attached	30 sq. ft. per lot (total)	10 ft.	Height of building	10 ft.	12 in.	Where use is permitted
P-3: Nameplates identifying owner or resident of private property (excluding mailbox).	1 per dwelling unit	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	All
P-4: Signs indicating the private nature of a road, driveway, or other premises and signs controlling the use of private property, such as prohibition of hunting, fishing, or trespassing.	-	2 sq. ft. per sign	5 ft.	-	6 ft.	12 in.	All
P-5: On-site directional signs.	2 per street frontage used as access	2 sq. ft. per sign	2 ft.	Height of building	6 ft.	12 in.	All

## PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-6: Off-site directional signs.	1 per lot	2 sq. ft. per sign	2 ft.	Height of building	3 ft.	12 in.	All with permission of land-owner on which sign is placed. <b>Not on traffic or utility poles.</b>
P-7: Identification sign for a residential subdivision or multi-family development.	1	20 sq. ft.	10 ft.	-	10 ft.	-	Where use is permitted.
P-8: Business signs for the purpose of identification of a permitted use on the property on which the use exists (excludes complexes such as shopping centers, malls, multi-use buildings and industrial parks).							
P-8A: Freestanding business sign, excludes individual stores or businesses in a complex.	1	1 sq. ft. per lineal ft. of lot frontage; not to exceed 20 sq. ft.	10 ft.	-	15 ft.	-	C, I

# PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestanding</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-8B: Attached business sign, excludes individual stores or businesses in a complex.	1 per street frontage	25 percent of the total wall area to which the sign is attached; not to exceed 20 sq. ft. per sign	-	Height of building	-	12 in.	C, I
P-9: Business signs for shopping centers, malls, multi-use buildings and industrial parks (complexes).							
P-9A: Freestanding business sign for complex. Note: Individual stores or businesses are prohibited from having individual freestanding signs.	1 per street frontage	1 sq. ft. per lineal ft. of lot frontage; not to exceed 50 sq. ft. per sign	10 ft.	-	15 ft.	-	C, I
P-9B: Attached business sign for complex.	1 per street frontage of attached principal structure	1/2 sq. ft. per lineal ft. of wall onto which sign is to be affixed, not to exceed 50 sq. ft.	-	Height of building	-	12 in.	C, I

# PERMITTED PERMANENT SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
P-9C: Attached business sign for individual stores or businesses within a complex.	1 per store or business	1 sq. ft. per lineal ft. of building frontage, not to exceed 20 sq. ft.	-	Height of building	-	12 in.	C, I
P-10: Advertising sign. (see Subsection d) of this Section for additional regulations).	1 per lot	75 sq. ft.	25 ft.	Height of building	35 ft.	12 in.	C, I



CHART B  
PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-1: Signs identifying architects, engineers, contractors, or others engaged in construction work on the premises where their work is proceeding. <u>SIGN TO BE REMOVED UPON COMPLETION OF WORK OR OCCUPANCY OF THE BUILDING WHICHEVER COMES FIRST.</u>	1 per each separate firm involved in work on the site	12 sq. ft. per sign	10 ft.	Height of building	10 ft.	12 in.	All
T-2: Real estate signs on individual properties that are for sale, rent or lease, or which have been sold, rented or leased. <u>SIGNS TO BE REMOVED WITHIN ONE WEEK OF SALE, RENT OR LEASE AGREEMENT.</u>	1 per street frontage of the lot	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All
T-3: Signs announcing proposed housing developments, apartment complexes, or commercial, industrial or other non-residential development. <u>SIGNS TO BE REMOVED UPON 90% COMPLETION OF DEVELOPMENT OR WITHIN ONE YEAR OF ERECTION OF THE SIGN WHICHEVER OCCURS FIRST.</u>	1 per street frontage	12 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	Where use is permitted and development approved.

# PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-4: Signs advertising the TEMPORARY sale of agricultural and horticultural products raised on property from which it is being sold. <u>TO BE DISPLAYED ONLY WHEN PRODUCTS ARE ON SALE.</u>	1 per lot	12 sq. ft. per sign	10 ft. or building face	Height of building	6 ft.	12 in.	All
T-5: Temporary Directional signs. <u>NOT TO EXCEED ONE WEEK OF PLACEMENT.</u>	-	2 sq. ft. per sign	3 ft.	Height of building	3 ft.	12 in.	All, with permission of landowner on which sign is placed. <b>Not on traffic or utility poles.</b>
T-6: Signs announcing grand openings, new ownership, change of use, etc., on the site of the permitted use. <u>SIGNS SHALL BE REMOVED AFTER 7 DAYS.</u>	1 per lot (attached or free-standing)	20 sq. ft. per sign	30 ft. or building face	Height of building	10 ft.	12 in.	Where use is permitted.

T-7: Temporary signs announcing a special civic event not normally associated with a location or a location's use.  
(does not include yard/garage sales or special business promotion sales)

# PERMITTED TEMPORARY SIGNS

<u>Sign Type</u>	<u>Maximum Number Permitted</u>	<u>Maximum Area Permitted</u>	<u>Minimum Setback From Right Of Way</u>	<u>Maximum Height Attached</u>	<u>Maximum Height Freestand</u>	<u>Maximum Projection From Bldg. (Att. Sign)</u>	<u>Zones Permitted</u>
T-7A: On the site of the event. <u>NOT TO EXCEED 30 DAYS AND SIGN SHALL BE REMOVED WITHIN 7 DAYS FOLLOWING THE CONCLUSION OF THE EVENT.</u>	1 per frontage	20 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All
T-7B: On a location away from the site of the event. <u>NOT TO EXCEED 90 DAYS PLACEMENT AND MUST BE REMOVED IMMEDIATELY FOLLOWING THE EVENT.</u>	-	6 sq. ft. per sign	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed. <b>Not on traffic or utility poles.</b>
T-8: Signs for a political election. <u>SIGNS SHALL BE REMOVED BY THE POLITICAL PARTY OR CANDIDATE WITHIN 10 DAYS FOLLOWING THE PRIMARY OR GENERAL ELECTION TO WHICH THEY REFER.</u>	-	4 sq. ft.	10 ft. or building face	Height of building	10 ft.	12 in.	All, with the permission of the land-owner on which the sign is placed. <b>Not on traffic or utility poles.</b>
T-9: Sidewalk sign for a commercial business. <u>SHALL BE DISPLAYED ONLY DURING NORMAL BUSINESS HOURS.</u>	1 per frontage	6 sq. ft. per sign	see Subsection a)-2.d.	-	4 ft.	-	C



## SECTION 408 PARKING

- a) **Size of Parking Space:** Each parking space must have an area of not less than one hundred sixty-two (162) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it; and must be a minimum of nine (9) feet wide by eighteen (18) feet deep. Where five (5) or more parking spaces are required, the total parking area including passageways and driveways must average two hundred sixty (260) square feet per required parking space.
- b) **Spaces Required:** Off-street parking spaces must be provided for each building erected, altered, enlarged or converted, or for each principal use, whichever will result in the greater number of spaces, in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Residential Dwelling	½ Dwelling Unit (i.e., 2 spaces per dwelling unit)
Rooming House, Boarding House	Bedroom
Hotel, Motel	Guest sleeping room + 1/each 4 employees on peak activity shift
Office	300 sq. ft. of gross floor area + 1/each employee
Personal Service Business	Each treatment station if applicable or 1 /250 square feet + 1/each employee
Retail Store (Ex. - grocery store)	100 sq. ft. of gross floor area + 1/each employee on largest shift
Eating Establishment	4 seats + 1/each employee on largest shift
Miniature Golf Course	½ hole (i.e., 2 spaces per hole)
Bowling Alley, Billiard Room	½ lane (i.e., 2 spaces per lane/table)
Other Indoor Recreational Establishments	100 sq. ft. of gross floor area
Golf Course	1/4 hole (i.e., 4 spaces per hole) + 1/each employee
Other Outdoor Recreational Uses	500 sq. ft. of active use area
Vehicle Service & Repair Facility, Service Station	400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other Commercial Buildings (e.g., Hardware Store w/o Bldg. Mat'l. Yard)	400 sq. ft. of gross floor area
Hospital, Convalescent Home, Nursing Home	3 beds, plus 1 for each employee of the largest shift

Type of Use	Minimum of One Parking Space for Each
Kennel	5 boarding spaces, plus one for each employee of the largest shift
Auditorium, House of Worship, Theater & Other Such Places of Public Assembly	200 sq. ft. of gross floor area but not less than 1 space per each 4 seats
Schools	Staff member plus one (1) space per classroom in an elementary or junior high school and one (1) space per five (5) students of projected building capacity in a senior high school or college.
Industrial & Heavy Commercial Establishments (e.g., Building Material Yard, Junkyard, Warehouse)	1 ½ employees on major shift but at least 1 space for each 5,000 sq. ft. of gross floor area
Shopping Center or Mall	180 sq. ft. of gross leasable floor area
Funeral Home	100 sq. ft. of gross floor area
Outdoor Sales (e.g., Automobile, Boat, Trailer & RV Sales)	20% of sales area to be reserved for customer parking
Clubs, Lodges and Other similar places	100 sq. ft. of gross floor area
Animal Hospital	Employee who is not a vet. + 3 spaces per each vet.

**c) Location:** Except as restricted elsewhere in this Ordinance, a ground-level parking area/lot is permitted in any yard area, except the front yard, provided that it is at least ten (10) feet from any property line. The parking area must be on the same or nearby premises. If on nearby premises --

1. The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of an industrial use.
2. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant.

**d) Layout:** Parking areas must be arranged so there will be no need for motorists to back over:

1. Local streets, except in the case of residential uses.
2. Major thoroughfares (See Appendix 1 of this Ordinance).

- e) **Separation from Streets and Sidewalks:** For multi-family and nonresidential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Borough must line the public right-of-way, sidewalk or walkway, except at access points, so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- f) **Paving:** All required parking areas and all driveways and access drives shall be surfaced with a bituminous or concrete paving material in order to minimize maintenance and dust problems.
- g) **Drainage:** All parking lots shall be drained so as to prevent damage to other properties or public streets. All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. A parking lot for more than five (5) vehicles must be approved by the Borough Engineer relative to grading and drainage.
- h) **Lighting:** Lighting, with a uniform intensity of no less than 0.3 foot-candles, shall be provided if the parking area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

#### **SECTION 409    LOADING**

- a) **Size; Surfacing:** The loading space must be not less than ten (10) feet wide and twenty-five (25) feet long. It must be surfaced with a bituminous or concrete paving material.
- b) **Spaces Required:** Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Number of Loading Spaces
Commercial	1 space for a gross floor area of 5,000 to 25,000 square feet and 1 additional space for each 40,000 square feet of gross floor area in excess of the first 25,000 square feet.
Office, Financial Institution, Theater, Auditorium, Hotel, Hospital or other Institution, Bowling Alley or other Indoor Recreational Establishment	1 space for a gross floor area of 10,000 to 100,000 square feet and 1 additional space for each 100,000 square feet of gross floor area in excess of the first 100,000 square feet.
Industrial Activities and Uses	1 space for a gross floor area of 2,000 to 25,000 square feet and 1 additional space for each 20,000 square feet of gross floor area in excess of the first 25,000 square feet.
Wholesale, Storage or Warehousing (excludes Mini-Storage Facilities for which no loading spaces are required)	1 space per establishment and 1 additional space for each 40,000 square feet in excess of the first 10,000 square feet.

- c) **Layout:** The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard area. Off-street loading spaces shall not interfere with off-street parking spaces.

#### SECTION 410 DRIVEWAYS/ACCESS DRIVES

- a) **Width:** Within ten (10) feet of the street right-of-way, driveways may not exceed thirty-five (35) feet in width or be less than ten (10) feet in width.
- b) **Number:** The number of driveways/access drives may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways/access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- c) **Location:** Driveways/access drives may not enter a public street:
1. Within forty (40) feet of the street right-of-way line of an intersecting street.
  2. Within five (5) feet of a fire hydrant.
  3. Within twenty-five (25) feet of another driveway/access drive on the same property.
  4. Within three (3) feet of a property line.



- d) **Angle of Intersection:** The minimum angle between the centerline of the driveway/access drive and the street shall be not less than sixty-five (65) degrees.
- e) **Sight Distances:** A driveway/access drive must be located in safe relationship to sight distance and barriers to vision. A clear sight triangle of seventy-five (75) feet as measured along the street centerline and thirty (30) feet along the driveway/access drive centerline commencing at the street center line must be maintained for all driveways and access drives. Permanent obstructions or plantings shall not exceed a height of three (3) feet in the clear sight triangle area.
- f) **Slope, Cuts:** A driveway/access drive may not exceed a slope of five percent (5%) within twenty-five (25) feet of the street right-of-way line. Where a driveway/access drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the driveway/access drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street right-of-way.
- g) **Access Drives:** The alignment and construction of an access drive shall conform to the standards for minor streets as specified in the Borough Subdivision and Land Development Ordinance.
- h) **Paving:** A driveway/access drive shall be surfaced with a bituminous or concrete paving material.

## SECTION 411 SCREENS AND BUFFERS

Where an industrial or commercial use in any zone abuts a Residential Zone or use, except for street or alley frontage:

- a) A landscaped screen must be provided to screen from view the industrial or commercial use. Such screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet, with specimens no younger than three (3) years of age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two (2) rows of evergreen shrubs planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier.
- b) An alternative visual barrier shall be a six (6) foot high opaque fence or wall with screen plantings of trees, shrubs and/or vines along the surfaces of the fence or wall facing any residential district or use.
- c) The space along the side lot line in the Industrial Zone or the Commercial Zone abutting a Residential Zone for twenty-five (25) feet in depth may not be used for any commercial or industrial operations. This area must be suitably landscaped in accordance with subsections a) and b) above. However, parking is permitted within the interior ten (10) feet of the twenty-five (25) foot buffer yard.

- d) The screen planting shall be planted at least two (2) feet from any lot line. In no event, however, shall the required screen planting exceed the allowable height within the sight triangle as set forth in Sections 404.e) and 410.e).
- e) Screen plantings shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.

## **SECTION 412 DRAINAGE**

No principal building or structure shall be erected, structurally altered or relocated on land which is not adequately drained at all times in accordance with the following:

- a) **Lot Drainage:** Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site sewage disposal facilities. In addition, all work must conform to the Borough Stormwater Management Ordinance.
- b) **Nearby Existing Facilities:** Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
- c) **Open Drainageways:** When open drainageways are used for the disposal of storm water, the Borough Engineer shall review the design of such open drainageways in relation to the following:
  - 1. Safety: Steep banks and deep pools shall be avoided.
  - 2. Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
  - 3. Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.
- d) **Drainage Facilities:** Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts, and/or related facilities as necessary to:
  - 1. Permit the unimpeded flow of natural watercourses.
  - 2. Ensure the drainage of all low points along the line of streets.
  - 3. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
  - 4. Provide adequate drainage away from on-site sewage disposal facilities.

The storm drainage facilities shall convey the flow of storm water runoff in a safe and efficient manner. Such facilities shall be designed by a Registered Engineer and must be approved by the Borough.

e) **Drainage Upon Adjacent Properties:** In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent properties. When a storm drainage outlet will discharge upon another property, the developer must secure the approval in writing of the adjoining affected owners. In no case may a change be made in the existing topography which would:

1. Within a distance of twenty (20) feet from a lot line to the beginning of the slope result in increasing any portion of the slope to more than seventy percent (70%).
2. Result in a slope which exceeds the normal angle of slippage of the material involved.

All slopes must be protected against erosion.

f) **Drainage Onto Streets:** In order to minimize surface water drainage onto streets, a building or structure on a lot and its driveways, must be at a grade in satisfactory relationship with the established street grade, or with the existing street grade where none is established. All grading must be designed to accomplish the following:

1. Gutters Adjacent to Shoulders: When gutters are provided in cut areas, the water shall not encroach upon the shoulder during a ten (10) year frequency storm of five (5) minute duration. Frequent and/or sustained flooding of the sub-base shall be avoided.
2. Curbed Sections: The maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or one (1) inch at the depth of curb during a ten (10) year frequency storm of five (5) minute duration.

Inlets shall be provided to control the encroachment of water on the pavement.

g) **Obstruction to Drainage Prohibited:** The damming, filling or otherwise interfering with the natural flow of a surface water course is not permitted without approval of the Borough Council and the Pennsylvania Department of Environmental Resources.

## **SECTION 413 ILLUMINATION**

Where a use involves exterior lighting, the lighting must be so located and shielded that no objectionable illumination or glare is cast upon adjoining properties or so it does not obstruct the vision of motorists.

## **SECTION 414 DEMOLITION**

Demolition of any structure must be completed within six (6) months of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting materials from the lot. A structure may be partly demolished only if a building remains and the demolition of the part is completed within six (6) months of the issuance of a permit.

All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining building.

#### **SECTION 415 BUILDINGS UNDER CONSTRUCTION**

A building, the foundation of which was completed before the effective date of this Ordinance, may be constructed without being bound by the requirements of this Ordinance provided that the construction is completed within one (1) year after the effective date of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

#### **SECTION 416 DIVISION OF BUILT ON LOTS**

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

#### **SECTION 417 LOTS OF RECORD**

On a lot held in single and separate ownership on July, 1968 (the effective date of the Borough's original Zoning Ordinance), or any amendment thereto creating a lot, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, provided the setbacks are not less than the minimum specified herein for the zone in which the lot is located.

#### **SECTION 418 STATUS OF SUBDIVISION OR LAND DEVELOPMENT PLAN**

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such applications adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance.

When a preliminary or final subdivision or land development plan has been approved, or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5)

years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval.

## **SECTION 419 NONCONFORMITIES**

### **a) Continuance:**

1. Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use of land or building does not conform to the use regulations specified by this Ordinance for the zone in which such land or building is located.
2. Except as otherwise provided in this Section, any area or dimensional nonconformities lawfully existing at the date of the adoption of this Ordinance may be continued.

### **b) Expansion:**

1. Upon application for a special exception and in accordance with the provisions of Sections 504 and 627, the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this Ordinance.
2. An existing principal building or structure which does not conform to building setback requirements may be altered or expanded within the required setback area provided that such alteration or expansion --
  - a. Does not exceed the maximum lot coverage permitted in the zone in which located.
  - b. Does not extend beyond that part of the building or structure which is in nonconformance with the existing building setback requirements or within three (3) feet of the property line whichever is greater.
  - c. No new dimensional nonconformities shall be created. For example, the expansion shall not extend into the required rear setback area if a dimensional nonconformity does not presently exist there.
  - d. A letter must be obtained from the adjoining property owner stating that they have no objection to the expansion.
3. Any expansion that will reduce the extent of an existing nonconformity shall not require special exception approval.

- c) Replacement:** A nonconformity may be replaced only in conformance with the provisions of this Ordinance. This includes, but is not limited to, the removal of mobile or modular buildings or structures. If such a nonconforming building or structure is removed, it cannot be replaced, unless it conforms to all requirements of this Ordinance.

- d) Restoration:** If any nonconformity is destroyed by reason of windstorm, fire, explosion, or other act of God or a public enemy to an extent of more than seventy-five percent (75%) of the market value as appraised for tax assessment purposes, the nonconformity may not be rebuilt, restored or repaired except in conformance with the Ordinance, providing that restoration is begun within one year following said destruction. Nothing in this Ordinance shall prevent any wall, floor or roof which has been declared unsafe from being strengthened or restored to a safe condition.
- e) Abandonment:** A nonconforming use shall be presumed as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be re-occupied except in conformance with this Ordinance.
- f) Reversion:** No nonconformity shall, if once changed to conform to the regulations of this Ordinance, be changed back again to a nonconformity.
- g) Zone Changes:** Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.
- h) Identification and Registration:** Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer, together with the reasons why the Zoning Officer identified them as nonconformities.

## ARTICLE V

### ZONING HEARING BOARD

#### SECTION 501 POWERS AND DUTIES - GENERAL

- a) **Membership of Board:** The membership of the Board shall, upon the determination of the Borough Council, consist of either three (3) or five (5) residents of the Borough appointed by resolution of the Borough Council. The terms of office of a three (3) member board shall be three years (3) and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. If a three (3) member board is changed to a five (5) member board, the members of the existing three (3) member board shall continue in office until their term of office would expire under prior law. The Borough Council shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions of this Subsection. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provision of Subsection b), an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, as reenacted and amended, unless designated as a voting alternate member pursuant to Subsection b).

- b) **Organization of Board:** The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 502.

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board

shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

**c) Powers:** The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

1. Substantive challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
2. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.
3. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor; the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
4. Applications for variances from the terms of this Zoning Ordinance pursuant to Section 503.
5. Applications for special exceptions under the Zoning Ordinance pursuant to Section 504.
6. Appeals from the determination of any officer or agency charged with the administration of any performance density provision of the Zoning Ordinance.
7. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
8. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.

**d) Board Calendar:** Each application or appeal, filed with the Borough in the proper form and containing the required data, must be numbered serially and be placed upon the calendar of the Board by the Secretary. Applications and appeals must be assigned for hearing in the order in



which they appear on the calendar. However, for good reason, the Board may order the advance of an application or appeal. A hearing must be held within sixty (60) days from the date the appeal or application is filed, unless the applicant has agreed, in writing, to an extension of time.

## **SECTION 502 PUBLIC HEARINGS**

- a) Notice:** Public notice, as defined in Section 203 of this Ordinance, and written notice of the hearing, which shall state the time and place of the hearing, the name of the owner of the property in question, the parcel's location and existing use, and the purpose of the hearing, shall be given:
1. To the public, by advertising once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. The first advertisement shall not be more than thirty (30) days and the second advertisement shall not be less than seven (7) days prior to the date of the hearing.
  2. To the applicant, the Zoning Officer, the Planning Commission, such other persons as the Borough Council shall designate, and to any person who at least fifteen (15) days prior to the scheduled hearing date has made request for the same. This notice shall be by personal delivery or by regular mail to said persons at their last known address at least one (1) week prior to the date of the hearing. If mailed, the notice shall be deemed to be given on the date mailed.
  3. By posting, in a conspicuous manner, a notice on the affected parcel of land at least one (1) week prior to the date of the hearing.
- b) Fees:** The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.
- c) Conduct of Hearing:** The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.

Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials except advice from their solicitor, unless the parties are afforded an opportunity to

contest the material so noticed; and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

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

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and cross-examine adverse witnesses on all relevant issues.

Statements are to be made in the following order or as the Chairman may direct:

1. Applicant or appellant.
2. Zoning Officer and other officials.
3. Any private citizen.

The applicant or appellant must be given an opportunity for rebuttal.

- e) Witnesses:** The Chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- f) Decision Procedure:** The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date the appeal or application is filed with the Borough, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein-above provided, the Board shall give public notice of said decision

within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection a) of this Section. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

- g) Records:** The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

## **SECTION 503    VARIANCES**

- a) Filing of Variance:** An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Borough Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six (6) months from the date of the authorization of the variance.

- b) Referral to Planning Commission:** All applications for a variance shall be referred to the Planning Commission for a report.
- c) Standards for Variance:** Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this Ordinance provided that the following findings are made where relevant in a given case:

1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) 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 Zoning Ordinance in the neighborhood or zone in which the property is located.
  2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  3. The unnecessary hardship has not been created by the appellant.
  4. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  5. 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.
- d) Conditions:** In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

## **SECTION 504 SPECIAL EXCEPTIONS**

- a) Filing of Special Exceptions:** For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show the following:

1. Ground floor plans and elevations of proposed structures.
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months of the date of the authorization of the special exception.

- b) Temporary Special Exceptions:** A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:

1. Is beneficial to the public health or general welfare, or
2. Is necessary to promote the proper development of the community, or

3. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the Borough.

- c) **Referral to Planning Commission:** All applications for a special exception shall be referred to the Borough Planning Commission for a report.
- d) **Conditions:** The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.
- e) **Application of Extent-of-Use Regulations:** The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- f) **General Standards:** A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
  - 1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone;
  - 2. Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
  - 3. The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
  - 4. The use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
  - 5. The specific standards set forth for each particular use for which a special exception may be granted have been met.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

- g) **Special Standards:** In addition to the general standards for all special exceptions as contained in Section 504.f), the specific standards for particular uses as listed in ARTICLE VI must be met prior to the granting of a special exception.

## **ARTICLE VI**

### **STANDARDS FOR SPECIAL EXCEPTION USES**

#### **SECTION 601 REQUIREMENT OF SPECIFIC STANDARDS**

In addition to the general standards for all special exceptions as contained in Section 504.f), the specific standards for the particular uses allowed by special exception are set forth in this Article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

#### **SECTION 602 ADULT ORIENTED FACILITY**

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) An adult oriented facility shall not be located within one hundred (100) feet of a Residential Zone or use.
- b) An adult oriented facility shall not be located within seven hundred fifty (750) feet of any church, school, library, park, playground, child day care center or any other adult regulated facility.
- c) Any building or structure used and occupied as an adult oriented facility shall be windowless, or have opaque covering over all windows or doors of any area in which materials, merchandise, film or services are exhibited or displayed; and no sale materials, merchandise, film or other offered items of service shall be visible from outside the building or structure.
- d) No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film or service offered therein.
- e) Each and every entrance to the structure shall be posted with a notice that the use is a regulated facility that persons under the age of eighteen (18) are not permitted to enter and warning all others that they may be offended upon entry.

#### **SECTION 603 ADULT OR CHILD DAY CARE CENTER OR NURSERY SCHOOL**

In all Zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the Borough prior to occupancy approval by the Borough.

- b) Public water and sewage facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If an existing on-lot sewage disposal is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- c) Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- d) At least one (1) parking space for each employee plus one (1) space for each four (4) persons to be served by the facility shall be provided.
- e) If the nature of the facility is such that it will generate a high volume of vehicular traffic (as determined by the Zoning Hearing Board and Borough Engineer), access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)

#### **SECTION 604 APARTMENT IN CONJUNCTION WITH OFFICE, PERSONAL SERVICE BUSINESS OR COMMERCIAL ESTABLISHMENT**

In the R-U, C, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) A single apartment is permitted as an accessory use within a building used for an office, personal service shop or commercial establishment.
- b) A separate entrance must be provided for the residential use.
- c) The minimum area of living space for the apartment shall be not less than six hundred (600) square feet.
- d) All parking and other applicable requirements of this Ordinance shall be satisfied, in addition to those required for the principal use.
- e) The structure must comply with applicable federal, state and local rules and regulations including but not limited to fire, health, safety, and building codes.



## **SECTION 605    BED AND BREAKFAST INN**

In the R-S, R-U, C, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Maximum guest stays shall be limited to seven (7) days.
- b) Maximum of four (4) guest rooms.
- c) A minimum of one (1) off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- d) One (1) sign may be erected on the property. The maximum size shall be two (2) square feet.
- e) The Inn must comply with all applicable regulations including, but not limited to, fire, health, safety and building codes.
- f) Bed and Breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family dwelling.

## **SECTION 606    CEMETERY**

In the R-S, R-U, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) All burial plots or facilities shall be located at least fifty (50) feet from all property or street lines.
- b) Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- c) No burial plots or facilities are permitted in flood hazard areas.
- d) Screening shall be provided adjacent to any residential use in accordance with the requirements of Section 411.
- e) Pet cemeteries must meet all of the above applicable requirements.

## **SECTION 607 CLUB ROOM, CLUB GROUND, OR MEETING HALL**

In the R-S, R-U, C, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) If the nature of the facility is such that it will generate a high volume of vehicular traffic (as determined by the Zoning Hearing Board and Borough Engineer), access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- b) Public water and sewage facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If the facility will be used by a large volume of people, the Zoning Hearing Board can require connection to a public sewer system. If an existing on-lot sewage disposal is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- c) All outdoor recreation/activity areas shall be set back at least ten (10) feet from any property line.
- d) Screening shall be provided adjacent to any residential use or zone in accordance with the requirements of Section 411.
- e) The use shall not constitute a public or private nuisance.

## **SECTION 608 CLUSTER HOUSING DEVELOPMENT**

In the R-S Zone and subject to the requirements of that zone except as herein modified and provided:

In the case of single family residential developments of ten (10) acres or more, an added degree of flexibility in the placement, bulk and inter-relationship of the buildings and uses within the development may be approved. The overall intensity of use and density of population shall be maintained while providing for new or additional design concepts. The gross area requirement may be waived if the proposed parcel abuts an existing cluster development, is within an appropriate zoning classification, and will enable a compatible extension of the existing development.

In establishing a Cluster Housing Development, the following guidelines shall be followed:

- a) The total number of permitted dwelling units shall be determined on the basis of total parcel area, exclusive of highway and utility rights-of-way. In no event shall the overall density exceed the permitted density for single family detached or semi-detached dwellings in the R-S Zone.
- b) Minimum lot area and lot width requirements for single family detached and semi-detached dwellings may be reduced, but lots for each dwelling unit shall not be less than seven thousand (7,000) square feet in area or seventy (70) feet in width.

- c) Minimum setbacks and building height shall remain as required in Sections 303.e) and 303.f), respectively.
- d) Maximum lot coverage shall not exceed sixty-five percent (65%).
- e) Permitted uses within a cluster development shall be limited to single family dwellings and related accessory buildings and uses. These provisions shall not apply to a mobilehome park.
- f) Public water and public sewer approved by the Pennsylvania Department of Environmental Resources must be utilized.
- g) Provisions for the future maintenance of all common areas including, but not limited to, parking and recreation shall be explicitly provided with the proposed project. The provisions and any agreements, such as by-laws for a homeowners association, shall be subject to the approval of the Borough Council.
- h) All other provisions of this Ordinance and any other applicable ordinance of the Borough shall apply to cluster housing developments.
- i) The application for a special exception for this use shall contain the following information:
  - 1. A legal description of the property under consideration.
  - 2. A site plan showing the location of all existing and proposed principal and accessory buildings and structures, parking lots, plantings, driveways, and streets.
  - 3. Proposed reservations for parks, playgrounds, and other open spaces.
  - 4. A vicinity map showing the location of the site in relation to the surrounding neighborhood.

**SECTION 609    COMMUNICATION TRANSMITTING AND RECEIVING FACILITY**  
*(ORDINANCE #98-4 AMENDED 11/2/98 - REMOVAL OF THIS SECTION)*

**SECTION 610    CONTRACTOR'S OFFICE**

In the C or I Zone, and subject to the requirements of the zone in which located, except as herein modified and provided:

- a) Outdoor storage of any materials, machinery or vehicles is permitted only in the side and rear yards. Such storage area shall be entirely screened from view per the criteria listed in Section 411.
- b) Satisfactory provision (for example, vegetative screening) must be made to minimize any noise generated from the use.

- c) Buffers and screens in accordance with Section 411 shall be provided to adequately protect neighboring properties.
- d) Security night lighting of storage areas and buildings must not allow glare onto neighboring properties.

#### **SECTION 611 CONVALESCENT HOME, NURSING HOME OR HOSPITAL**

In the R-U or C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Lot Area: One (1) acre minimum.
- b) Lot Width: One hundred fifty (150) feet minimum.
- c) Setbacks: All buildings shall be located at least fifty (50) feet from all property or street lines.
- d) Access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined by the Zoning Hearing Board (on the recommendation of the Borough Engineer) to be unnecessary).
- e) Screening shall be provided adjacent to any adjoining residential use or zone in accordance with the requirements of Section 411.
- f) Public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- g) The facility must comply with all applicable building, health, safety and fire codes.

#### **SECTION 612 DOMICILIARY CARE HOME**

In the R-S, R-U or C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Loganville Borough.
- b) Public water and sewage facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If an existing on-lot sewage disposal is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- c) Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single family residence.

- d) The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.
- e) No facilities for cooking or dining shall be provided in individual rooms or suites.
- f) The home must comply with all applicable fire, health, safety and building codes.

### **SECTION 613 FLAG LOT (PANHANDLE LOT)**

In the R-S or R-U Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The only principal use permitted on a flag lot shall be a single family detached dwelling.
- b) No other lot configuration is possible.
- c) The flag lot must access directly onto a public street.
- d) The "staff" or "handle" is to be excluded in determining lot area (for conformance with the minimum lot area set forth in Sections 303 and 304) or in the placement of setbacks. Building setback lines and lot width shall be measured along the lot line (other than the street line) most nearly parallel to the public street from which the access is taken. Lot dimensions shall meet the requirements of the zone in which the flag lot is located.
- e) The "staff" portion shall serve only the lot upon which it is located, and shall be a deeded part of the flag lot.
- f) The required dimensions of the "staff" are as follows:
  - 1. Minimum Width -- Twenty (20) feet.
  - 2. Maximum Width -- Fifty (50) feet.
  - 3. Maximum Length -- Seven Hundred (700) feet.
- g) No structures, accessory buildings or parked vehicles shall be permitted in the "staff."
- h) Any driveway located within the "staff" shall meet the requirements of Section 410 of this Ordinance. Flag lot owners shall be responsible for maintaining the driveways to ensure reasonable ingress and egress.
- i) The "staff" shall not cross a stream, wetland, flood plain, or similar natural feature without the property owners(s) first acquiring the appropriate permits from the Pennsylvania Department of Environmental Resources, the U.S. Army Corps of Engineers, etc.

- j) "Staffs" shall not be contiguous and shall not be closer to another "staff" than twice the required lot width of the Zoning District in which they are created. The distance between "staffs" shall be measured from the nearest boundary lines of the flag lots at the point they intersect the street right-of-way.

## **SECTION 614 GROUP DAY CARE HOME**

In the R-S, R-U or C zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of the certificate to the Borough.
- b) The facility must be served by public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources. If an existing on-lot sewage disposal system is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- c) Outdoor play areas for children shall be sufficiently enclosed to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- d) A resident of the dwelling shall operate the facility. At all times when there are more than six (6) children at the facility, a minimum of two (2) care givers must be present. However, no more than two (2) nonresident persons may be employed as care givers.
- e) In addition to the required parking for the dwelling unit, one (1) parking space must be provided for each nonresident employee, plus at least two (2) spaces must be provided for the day care facility.
- f) Day care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

## **SECTION 615 GROUP QUARTERS**

In the R-U or C Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
- b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.

- c) The use shall be served by public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources.
- d) Off-street parking shall be provided for each group quarters based upon one (1) parking space for each occupant.
- e) All group quarters shall comply with all applicable building, health, safety and fire codes.

## **SECTION 616 HALF-WAY HOUSE**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) A minimum of two hundred fifty (250) square feet of habitable floor area shall be provided for each occupant.
- b) A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provides them elsewhere.
- c) The facility must be served by public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources. If an existing on-lot sewage disposal is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- d) All half-way houses shall comply with all applicable building, health, safety and fire codes.
- e) Off-street parking shall be provided for each half-way house based upon one (1) parking space for each occupant.

## **SECTION 617 HOME OCCUPATION**

Subject to the requirements below, the following home occupations may be authorized only in a dwelling unit or accessory building in the R-S or R-U Zone: physician, dentist, clergyman, lawyer, engineer, accountant, architect, teacher, artist, licensed insurance or real estate agency, seamstress, barber, beautician and similar service occupations. Occupations such as vehicle painting and repair, small engine repair, gunsmith, furniture repair, and other small shop type work shall not be interpreted as a service occupation.

- a) Employees: No person other than a resident of the dwelling unit may practice the occupation. No more than two (2) persons shall be employed to provide secretarial, clerical or other assistance.
- b) Pupils: No more than two (2) pupils may receive instruction at a time.

- c) Coverage: Not more than thirty percent (30%) of the floor area of the dwelling unit may be devoted to a home occupation, including storage of supplies. If located in an accessory building(s), the total area devoted to the home occupation(s) shall not exceed an area equal to fifty percent (50%) of the floor area of the dwelling unit.
- d) Appearance: The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling or accessory building. A sign not larger than two (2) square feet in area is permitted and may be illuminated only by indirect lighting that is shielded so as not to create glare for neighboring properties or motorists.
- e) Parking: Besides the required parking for the dwelling unit, additional off-street parking located in the rear yard is required as follows for each home occupation:
  - 1. Two (2) spaces for the home occupation and one (1) space for each nonresident employee, plus;
  - 2. Two (2) additional spaces shall be provided for a physician, dentist, barber or beauty shop.
  - 3. Garages shall not be considered parking area for home occupations. Each space provided shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
- f) Sales: There shall be no stock in trade stores nor commodities kept for sale which are not goods produced on the premises or used in connection with the permitted home occupation.
- g) Outdoor Storage: If an outdoor storage area is necessary, it must be located to the side or rear of the principal building and appropriately screened from view as determined by the Zoning Hearing Board.
- h) Nuisance Effects: The occupation shall not create objectionable noise or odor that can be detected from outside the building; nor shall it create traffic or parking problems.
- i) Impact on Neighborhood: A home occupation shall not in any way alter the character of a neighborhood nor in any way adversely affect the sale and comfortable enjoyment of properties in the vicinity.

## **SECTION 618 HOUSE OF WORSHIP**

In the R-S, R-U, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Side Setback: Minimum side setbacks of twenty-five (25) feet each shall be provided.
- b) All off-street parking areas shall be set back at least twenty-five (25) feet from any street or property line.



- c) Screening shall be provided adjacent to any adjoining residential use in accordance with the requirements of Section 411.
- d) Access shall be via a major thoroughfare as designated by the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined by the Zoning Hearing Board (on the recommendation of the Borough Engineer) to be unnecessary.
- e) Any associated residential use, including the parsonage, shall either be located on a separate lot or be positioned so that the lot on which it and the house of worship are located could subsequently be subdivided, separating each use yet meeting all applicable dimensional requirements of the zone in which located. The residential use shall be subject to all applicable regulations of this Ordinance.
- f) Any associated educational or day care uses shall be accessory and located on the same lot as the house of worship.

## **SECTION 619 JUNKYARD, AUTOMOBILE DISMANTLING PLANT**

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot Area: Five (5) acres minimum; ten (10) acres maximum.
- b) Lot Width: Three hundred (300) feet minimum.
- c) Setbacks: Any area used for this purpose must be at least fifty (50) feet from any property line, and at least five hundred (500) feet from the center line of any public road within the limits of the borough of Loganville.
- d) The area to be used must be completely enclosed with a six (6) foot high fence so constructed as not to have openings greater than six (6) inches in any direction. In addition, plantings of trees, shrubs, and/or vines must be provided along the surfaces of the fence to conceal from view the use on the premises.
- e) No material may be stored or stacked so that it extends above the height of the fence.
- f) No garbage or other organic waste shall be stored on the premises.
- g) The premises shall be maintained so as not to constitute a public nuisance or health hazard to the community or nearby residents or to create a place for breeding of rodents or vermin.
- h) The manner of storage, arrangement of junk and the drainage facilities shall be designed so as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.
- i) The facility must comply with all applicable local, State and Federal laws including the Borough Junkyard Ordinance.

## **SECTION 620    KEEPING OF LIVESTOCK, SMALL ANIMALS AND/OR POULTRY**

In the R-S Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Such use shall be accessory and clearly incidental to the principal use of the property for residential purposes. Livestock, small animals or poultry shall be kept only as pets, for pleasure, or to provide food for the residents of the premises where the livestock, small animals or poultry are kept.
- b) Lot Area: Five (5) acres minimum.
- c) Lot Width: Two hundred fifty (250) feet minimum.
- d) All areas used for pasturing, grazing or exercise shall be securely fenced to prevent the escape of livestock. Such fencing may be located up to, but not on, the property line.
- e) All livestock, small animals and poultry shall, except while pasturing, grazing, or exercising, be housed in a separate, freestanding, permanent, four (4)-sided building erected or maintained for that purpose.
- f) The building required by Subsection e) hereof shall only be located in the rear yard; and shall be set back at least one hundred (100) feet from any property or street line.
- g) The accumulation and storage of manure or other odor producing substances shall not be permitted within one hundred (100) feet of any lot line. Such substances shall be stored, and disposed of within a reasonable period of time, so as not to create a health hazard or nuisance.

## **SECTION 621    KENNEL**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot area: Two (2) acres minimum.
- b) Lot width: One hundred fifty (150) feet minimum.
- c) All animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls, runways or fenced enclosures shall be located at least one hundred (100) feet from all property or street lines.
- d) All animals must be housed within a structure except while exercising.
- e) All outdoor pasture/recreation areas shall be enclosed to prevent the escape of animals.
- f) Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

## **SECTION 622    MEDICAL CLINIC**

In the R-U, C, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Lot Area: One (1) acre minimum.
- b) Lot Width: One hundred fifty (150) feet minimum.
- c) Setbacks: All buildings shall be located at least twenty-five (25) feet from any property line and fifty (50) feet from a street line.
- d) Access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined by the Zoning Hearing Board (on the recommendation of the Borough Engineer) to be unnecessary.
- e) Public water and sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- f) Appearance must be harmonious with adjoining properties. This feature includes, but is not limited to, landscaping, signage and architectural controls.
- g) Buffers and screens shall be provided adjacent to any adjoining residential use or zone in accordance with the requirements of Section 411.
- h) Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility subject to the following specific conditions:
  - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
  - 2. The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
  - 3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one (1) sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, non-flashing, and limited to an enclosed lamp design.
- i) Off-street parking areas for Medical Clinics located in the VC Zone must be located in the rear yard.

## **SECTION 623    MINI-STORAGE FACILITY**

In the C or I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty (20) feet wide where access to storage units is only on one (1) side of the aisle and at least twenty-four (24) feet wide where access to storage units is on both sides of the aisle.
- b) If a manager/business office is established on the site, at least four (4) parking spaces must be provided adjacent to the office.
- c) The servicing or repair of stored equipment shall not be conducted on the premises. Also no business activities shall be conducted within the storage units.
- d) The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- e) If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- f) All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.

## **SECTION 624    MOBILEHOME PARK**

In the R-S Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The minimum parcel area shall be five (5) acres.
- b) Each mobilehome lot (not including street right-of-way) must not be less than eight thousand (8,000) square feet in area and not less than eighty (80) feet wide measured at the minimum front setback line.
- c) Density: There shall be a maximum of five (5) mobilehome lots per acre.
- d) Public water and public sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) Setback Requirements: Each mobilehome lot shall adhere to the following minimum setback requirements:
  - 1. Front Setback - Twenty (20) feet.

2. Rear Setback - Ten (10) feet.
  3. Side setback - Fifteen (15) feet.
- f) The Zoning Hearing Board may require suitable screen planting in accordance with the requirements of Section 411, or may further restrict the proximity of mobilehomes or other improvements to adjoining properties, or may attach such other conditions or safeguards to the use of land for a mobilehome park as the Board may deem necessary to protect the general welfare.
  - g) A mobilehome park and extension thereof shall also comply with all applicable State and/or municipal regulations (i.e., the Loganville Borough Subdivision and Land Development Ordinance) now in effect or hereafter enacted.

## **SECTION 625    MULTI-FAMILY DWELLING(S)**

In the R-U or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Lot Area: One (1) acre minimum.
- b) Lot Width: One hundred fifty (150) feet minimum.
- c) Side Setback: Minimum side setbacks of fifteen (15) feet each shall be provided from the property line.
- d) Density: The maximum density shall be ten (10) dwelling units per acre of lot area.
- e) Distance Between Buildings: Where two (2) or more multi-family dwellings are located on a single lot or parcel, the minimum distance between principal buildings shall be fifty (50) feet.
- f) Length of Buildings: Two hundred (200) feet maximum.
- g) Public water and public sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- h) Buffers and screens in accordance with Section 411 shall be provided to adequately protect neighboring properties.
- i) Off-street parking areas for Multi-Family Dwelling(s) in the VC Zone must be located in the rear yard.

## **SECTION 626 NEIGHBORHOOD GROCERY OR CONVENIENCE STORE**

In the R-U Zone and subject to the requirements of that zone except as herein modified and provided:

- a) The ground floor area of the store shall not exceed fifteen hundred (1500) square feet.
- b) Access shall be via a major thoroughfare as designated by the Borough Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined by the Zoning Hearing Board (on the recommendation of the Borough Engineer) to be unnecessary.
- c) A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
- d) A minimum of one (1) off-street parking space for each two hundred (200) square feet of gross floor area must be provided.
- e) Screens and buffers shall be provided adjacent to any adjoining residential use in accordance with the requirements of Section 411.
- f) Gasoline pumps are not permitted.

## **SECTION 627 NONCONFORMITY, EXPANSION OF**

In any zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this Ordinance or any amendment thereto creating the nonconformity.
- b) The total of all such expansions of use shall not exceed an additional thirty-five percent (35%) of the area of those buildings or structures devoted to the nonconforming use as they existed on the date on which such buildings first became nonconformities.
- c) Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- d) Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- e) Appearance should be harmonious with surrounding properties. This feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- f) Buffers and screens shall be provided in accordance with the requirements of Section 411.

- g) The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities except as provided for in Section 419.b)2.

## **SECTION 628    NONPROFIT RECYCLING COLLECTION CENTER**

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) When located in a R-S or R-U Zone, the collection center must be accessory to an existing public building.
- b) Not more than six (6) containers shall be permitted, and each such container shall not be larger than two (2) cubic yards in size.
- c) All containers must be closed containers.
- d) The recycling collection area must be totally enclosed with a fence or wall meeting the requirements of Section 401.c) of this Ordinance.
- e) The center must be secured at all times when supervision is not on site.
- f) Specific hours of operation must be designated and posted on the site. Such hours shall be subject to the approval of the Zoning Hearing Board.

## **SECTION 629    OUTDOOR COMMERCIAL RECREATIONAL ESTABLISHMENT**

In the C, I, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: The area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.
- b) The use must have access via a major thoroughfare as designated by the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined otherwise by the Zoning Hearing Board (on the recommendation of the Borough Engineer).
- c) Exterior lighting shall be directed away from all adjoining properties.
- d) All facilities shall be kept in a neat and well maintained condition.
- e) Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.

- f) Depending upon the specific nature of the proposed use, additional screening or buffering may be required to protect adjoining properties.
- g) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.
- h) A public swimming pool shall meet all applicable requirements of Section 401.f) of this Ordinance.
- i) Off-street parking areas for Outdoor Commercial Recreation Establishments in the VC Zone must be located in the rear yard.

### **SECTION 630    PARK OR OTHER OPEN SPACE AREA OF A NONPROFIT NATURE**

In the R-S, R-U, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Consideration shall be given to traffic problems. If the nature of the park or open space area is such that it will generate a high volume of vehicular traffic (as determined by the Zoning Hearing Board and the Borough Engineer), then access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- b) The Zoning Hearing Board shall decide the appropriateness of the design of parking, lighting, and similar features of the proposed use to minimize adverse impacts on adjacent properties.
- c) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

### **SECTION 631    PERSONAL CARE BOARDING HOME**

In the R-S or R-U Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of said license to the Borough prior to occupancy approval by Loganville Borough.
- b) No kitchen or dining facilities shall be permitted in individual rooms or suites.
- c) The facility must meet all applicable fire, health, safety and building codes.
- d) Public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources must be utilized. If an existing on-site sewage disposal system is to be utilized, evidence must be submitted to assure that the existing system is capable of adequately serving the proposed use.
- e) At least one (1) parking space for each employee plus one (1) parking space for each bedroom shall be provided.



## **SECTION 632    PERSONAL SERVICE BUSINESS OR PROFESSIONAL OR BUSINESS OFFICE**

In the R-U or VC Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Adequate access shall be provided, as determined by the Zoning Hearing Board upon recommendation by the Borough Engineer.
- b) Parking: Off-street parking shall be provided in accordance with Section 408 of this Ordinance. Any secondary use (for example, an apartment) must also meet the requirements of Section 408, in addition to those requirements for the primary use.
- c) One (1) attached business sign is permitted. The maximum allowable size is six (6) square feet. All other sign requirements of Section 407 are applicable.

## **SECTION 633    PUBLIC BUILDINGS AND FACILITIES**

In the R-S or R-U Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: All buildings and facilities shall be set back at least twenty-five (25) feet from any property line and fifty (50) feet from a street right-of-way line.
- b) All off-street parking shall be at least ten (10) feet from adjoining property lines.
- c) Outdoor storage of materials, vehicles and related equipment shall be prohibited.
- d) Consideration shall be given to traffic problems. If the nature of the public building or facility is such that it will generate a high volume of vehicular traffic (as determined by the Zoning Hearing Board and Borough Engineer), then access shall be via a major thoroughfare as designated in the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- e) The Zoning Hearing Board may require that suitable screen planting or fencing in accordance with Section 411 be provided and maintained to adequately protect neighboring properties.

## **SECTION 634    PUBLIC UTILITY BUILDING AND/OR SERVICE STRUCTURE**

In all zones and subject to the requirements of the zone in which located except as herein modified and provided:

- a) In the R-S, R-U, or VC Zone, the storage of vehicles or equipment used in the maintenance of a utility shall not be permitted. In all other zones, all outdoor storage shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have holes,

openings or gaps larger than six (6) inches in any dimension. If adjacent to a residential use or a Residential Zone, such fence or wall must be surrounded by evergreen plantings.

- b) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, vibration, smoke and odor). No equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed in any Residential Zone.
- c) The external design of the building (to the extent possible) shall be in conformity with the buildings in the surrounding area.
- d) There shall be no specific minimum lot size or lot width, however, each lot shall provide front, side and rear yard setbacks in accordance with the zone in which located.
- e) There shall be no maximum lot coverage requirement provided that a stormwater management plan for the site is approved by the Borough Engineer.
- f) The Zoning Hearing Board may require that suitable screen planting or fencing in accordance with Section 411 be provided and maintained to adequately protect neighboring properties.

#### **SECTION 635 RESEARCH LABORATORY**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access shall be via a major thoroughfare as designated by the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- b) Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke). All hazardous materials shall only be stored or disposed of in accordance with Federal and State regulations.
- c) The use must comply with all applicable Federal, State and local regulations.
- d) The Zoning Hearing Board may require that suitable screen planting or fencing in accordance with Section 411 be provided and maintained to adequately protect neighboring properties.

#### **SECTION 636 ROOMING HOUSE OR BOARDING HOUSE**

In the R-S, R-U, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) A rooming house or boarding house shall be owner-occupied and shall be an accessory use to a single family dwelling.

- b) Any dwelling proposed for use as a rooming house or boarding house shall have a habitable floor area, in addition to the habitable floor area required for the principal dwelling, of three hundred (300) square feet for each roomer or boarder; provided, however, that each room to be used for sleeping purposes by a single person shall contain at least seventy-two (72) square feet of floor area and each room to be occupied by two (2) or more persons shall contain at least sixty-eight (68) square feet of floor area per occupant.
- c) No facilities for cooking or dining shall be provided in individual rooms or suites.
- d) Public water and sewage disposal facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.
- e) All rooming houses and boarding houses shall comply with all applicable regulations including, but not limited to, fire, health, safety and building codes.

### **SECTION 637 SERVICE STATION OR CONVENIENCE STORE DISPENSING FUEL**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Buildings must be set back at least forty (40) feet from the street right-of-way line.
- b) Pumps must be set back at least fifteen (15) feet from the street right-of-way line.
- c) Access drives must be located as follows:
  1. Minimum Offset from Intersection of Street Right-of-way Lines - Forty (40) feet.
  2. Side Lot Line Offset - Ten (10) feet.
  3. Minimum Width - Twelve (12) feet.
  4. Maximum Width - Thirty-five (35) feet.
  5. Minimum Separation of Drives on Same Lot - Twenty-five (25) feet.
- d) Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
- e) Consideration shall be given to traffic problems. If it is determined by the Zoning Hearing Board, on the recommendation of the Borough Engineer, that the business will generate a high volume of vehicular traffic, then access via a major thoroughfare as designated in the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) may be required.
- f) All lights must be diverted toward the service station or downward on the lot.
- g) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

- h) At least ten percent (10%) of the lot on which the facility is situated must be devoted to natural landscaping.

#### **SECTION 638 SHOPPING CENTER OR MALL**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Lot Area: Two (2) acres minimum.
- b) Lot Width: Two hundred fifty (250) feet minimum.
- c) All buildings must be set back at least twenty-five (25) feet from any property line and fifty (50) feet from a street right-of-way line.
- d) Access must be via a major thoroughfare as designated in the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- e) A buffer yard at least twenty-five (25) feet wide must be provided on the site in all instances where the site adjoins a Residential Zone. The buffer yard shall be landscaped in accordance with the requirements of Section 411. In addition, the buffer yard shall have no impervious cover and shall not be used for building, parking, loading or storage purposes.

#### **SECTION 639 SINGLE FAMILY ATTACHED DWELLING**

In the R-S or R-U Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Minimum Lot Area: Two thousand (2,000) square feet per dwelling unit, including the end units.
- b) Minimum Lot Width: Twenty (20) feet per dwelling unit, including the end units.
- c) There shall be no more than eight (8) dwelling units in any row, and no building shall exceed two hundred (200) feet in length.
- d) Public water and a community or public sewer system approved by the Pennsylvania Department of Environmental Resources must be utilized.

## **SECTION 640    SOLID WASTE PROCESSING AND/OR DISPOSAL FACILITY**

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Such facility shall provide for the processing and/or disposal only of municipal or residual solid waste as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and 25 PA Code Chapters 271, 273, 175, 277, 279, 281, 283 and 285 as amended, supplemented or revised.
- b) Any processing of solid waste including, but not limited to, incineration, composting, shredding, compaction, material separation, recycling, refused derived fuel and pyrolysis shall be conducted within a wholly-enclosed building.
- c) No solid waste shall be deposited or stored within five hundred (500) feet, and no building or structure shall be located within two hundred (200) feet of any property or street line.
- d) No solid waste shall be deposited, either temporarily or permanently, within one thousand (1,000) feet of any pond, lake, stream or watercourse, or within one thousand (1,000) feet of any wetland meeting the definitions of the Pennsylvania Department of Environmental Resources, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Soil Conservation Service or the T.S. Fish and Wildlife Service.
- e) A buffer yard, at least fifty (50) feet wide, shall be located along all property lines. The buffer yard shall be landscaped in accordance with the requirements of Section 411. In addition, the buffer yard shall have no impervious cover and shall not be used for structures, storage, parking or any other related activity or operation.
- f) Any area used for the unloading, transfer, storage, processing or incineration of solid waste must be completely screened from ground-level view at the property line. (The use of an earthen berm is encouraged where practicable). In addition, such areas must be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
- g) All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
- h) Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences at gates or other positive means designed to deny access to the area at unauthorized times or locations.
- i) Hazardous waste as described by the Department of Environmental Resources shall not be accepted at the proposed facility.
- j) The unloading, processing and transfer of solid waste shall be continuously supervised by a qualified facility operator.

- k) Any waste that cannot be used in any disposal process, or material that is to be recycled, shall be stored in leak and vector proof containers. Such containers shall be designed to prevent their being carried by wind or water.
- l) All storage of solid waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
- m) A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Borough.
- n) The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, a water feasibility study must be provided to enable the Borough to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed by the Borough Engineer.

A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed development shall not be approved by the Borough.

A water feasibility study shall include the following information:

1. Calculations of the projected water needs;
2. A geologic map of the area with a radius of at least one (1) mile from the site;
3. The location of all existing and proposed wells within one thousand (1,000) feet of the site, with notation of the capacity of all high yield wells;
4. The location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
5. The location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;
6. Based on the geologic formation(s) underlying the site, the long term safe yield shall be determined;

7. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams and the groundwater table; and
  8. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
- o) The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and safe through movement on the existing road.
  - p) No certificate of use and occupancy shall be issued for a solid waste processing and/or disposal facility until the operator shall have submitted to the Zoning Officer proof that the facility complies with the regulations of the Department of Environmental Resources and has been permitted in writing by said agency.
  - q) A detailed plan for site restoration following any solid waste disposal (landfill) activities must be submitted. Emphasis shall be placed upon reuse of the land; and a time table indicating the phases of site restoration shall be included.

#### **SECTION 641 TRUCK OR MOTOR FREIGHT TERMINAL**

In the I Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Access shall be via a major thoroughfare as designated by the Borough's Comprehensive Plan. (See Appendix 1 of this Ordinance.)
- b) A buffer yard at least twenty-five (25) feet wide must be located on the terminal site in all situations where the site adjoins a Residential Zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.
- c) Storage of materials shall conform to all applicable State and Federal regulations.
- d) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, smoke, fumes, glare and vibration.

#### **SECTION 642 TWO FAMILY CONVERSION**

In the R-S, R-U, or VC Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) There shall be a minimum of four thousand (4,000) square feet of lot area per dwelling unit.

- b) Parking, minimum habitable floor area and all other applicable requirements of this Ordinance shall be met.
- c) Sewer facilities approved by the Pennsylvania Department of Environmental Resources and public water must be utilized.
- d) Where an existing dwelling is converted to a two family dwelling, the character of the existing structure shall be maintained, except for the addition of a fire escape if necessary.
- e) The structure shall comply with all applicable regulations including, but not limited to, fire, health, safety and building codes.

### **SECTION 643 VEHICLE RENTAL, SALES, SERVICE AND/OR REPAIR FACILITY**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) Any lot used as a vehicle rental or sales facility must have erected thereon a building to be used for the display, rental and/or sale of vehicles. The outdoor display of such vehicles shall only be permitted as an accessory use to the required display, sales and/or rental building.
- b) All service and/or repair activities shall be conducted within a wholly-enclosed building.
- c) All vehicles shall be placed at least thirty (30) feet from any street line.
- d) All exterior vehicle storage areas shall be screened from view of any adjoining Residential Zone or residential use.
- e) The storage of unlicensed vehicles on the premises is prohibited, except for new or used vehicles that are "for sale."
- f) The demolition or junking of vehicles is prohibited.
- g) If gasoline pumps are to be installed, all special exception requirements for a service station, as set forth in Section 637 of this Ordinance shall be satisfied.
- h) No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- i) Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration, and smoke.
- j) All merchandise, except vending machines, shall be stored within a building.



## **SECTION 644 VEHICLE WASHING FACILITY**

In the C Zone and subject to the requirements of that zone except as herein modified and provided:

- a) All structures housing washing apparatus shall be set back at least fifty (50) feet from any street right-of-way line and at least twenty-five (25) feet from any side lot line.
- b) Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- c) Access shall be via a major thoroughfare as identified in the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined by the Zoning Hearing Board, on the recommendation of the Borough Engineer, to be unnecessary.
- d) Points of ingress and egress shall be designed to minimize congestion and shall be far enough from residential dwellings so that traffic noise will be minimized.
- e) A stacking lane shall be provided behind each bay or stall to prevent vehicle back-up on adjoining streets. Each lane shall be a minimum of forty (40) feet in length and eight (8) feet in width.
- f) A water feasibility study must be submitted to assure that adequate water supply is available.
- g) The facility must be equipped with a water recycling system for ninety percent (90%) of the water used.
- h) Sewer facilities approved by the Pennsylvania Department of Environmental Resources must be utilized.

## **SECTION 645 COMMUNICATION TOWER OR FACILITY**

A communication tower or facility may be located in an I zone, subject to the requirements of the zone in which it is located, except as modified and provided in this section, so long as the criteria set forth in this section are met and are established before the Zoning Hearing Board as follows:

- a) Antennae shall be collocated on existing towers and structures where feasible before new communication towers or facilities are erected.
- b) Communication towers or facilities shall not be equipped with lights. Before a special exception is granted for such use, documentation must be presented to the Zoning Hearing Board from the Federal Aviation Administration that such structure will not require lighting due to its height.
- c) Communication towers or facilities shall not have or bear any advertising or attached signs, and shall not be painted any color other than non-contrast gray. The applicant for the special exception shall demonstrate to the Zoning Hearing Board that the Federal Aviation Administration will not require such structure to be painted other than non-contrast gray.

- d) The proposed communication tower or facility shall meet the setback provisions of Section 404(f) of this Zoning Ordinance.
- e) An approved Land Development Plan for the proposed communication tower or facility shall be presented to the Zoning Hearing Board which plan shall include a note thereon stating that neither the owner of the land nor the operator of the proposed communication tower or facility will prohibit or cause to be prohibited the collocation of additional antennae on the proposed structure.
- f) Within one year following the termination of the use of the communication tower or facility for its original intended purpose was established for the special exception, such tower or facility in its entirety above and below ground, and all associated structures and equipment, foundations, paving, gravel, fencing and access road or drive shall be removed, and top soil and vegetation shall be replaced to match the surrounding area. A plan for such removal and replacement shall be prepared by a licensed landscape architect and presented by the owner or the operator to the Borough at or before the termination of the use. Such removals and renovations are improvements to the land, and financial security shall be provided to the Borough in accordance with Sections 611, 612, 613, and any other applicable sections, of the Loganville Borough Subdivision and Land Development Ordinance. Upon failure of the foregoing to be completed within one year following termination of original use of the structure, the Borough may, in addition to any other remedy available at law or in equity, remove the same and restore the property at the expense of the owner of the land, which expense may be collected and filed as a municipal claim or lien together with attorney's fees incurred with regard to the foregoing, or collected in any other manner available to the Borough. Upon the grant of any special exception for such structure, such special exception shall automatically be conditioned by the terms of this subsection without the same needing to be stated in the decision.
- g) The owner of the communication tower or facility and the owner of the land upon which it is located shall notify Loganville Borough of any change in ownership of the same. The owner of the structure and the land shall be responsible to provide such notice. Upon the grant of any special exception for such structure, such special exception shall automatically be conditioned by the terms of this subsection without the same needing to be stated in the decision.
- h) The terms of this section shall not apply to a television or radio antennae attached to a dwelling for the private use of the occupants of such dwelling so long as the terms and provisions of Section 405 of the Loganville Borough Zoning Ordinance are met.

## **SECTION 646 USES WITHIN THE VILLAGE CENTER**

In the VC Zone and in addition to the requirements of the zone in which located except as herein modified and provided:

- a) Mixed uses, office, and retail uses shall follow the dimensional requirements set forth under Section 308, with the following exceptions:
  - 1. Maximum lot area shall be forty thousand (40,000) square feet.

- b) All off-street parking must be in the rear yard and shall incorporate screening between the parking area and side property lines in accordance with Section 411 of this Ordinance.

## **SECTION 647 CREAMERY**

In the VC Zone and in addition to the requirements of the zone in which located except as herein modified and provided:

- a) The ground floor area of the creamery devoted to manufacturing may be equal to, but no greater than three (3) times the ground floor area of the ice cream parlor.
- b) A planting strip at least fifteen (15) feet wide shall be provided along the public roadway.
- c) A minimum of one (1) off-street parking space for each four (4) seats, plus one (1) off-street parking space for each employee on the largest shift must be provided for the ice cream parlor area.
- d) A minimum of one (1) off-street parking space for each one and half(1½) employees on the major manufacturing shift, but at least one (1) for each 5,000 square foot of gross floor area devoted to manufacturing.
- e) Screens and buffers shall be provided adjacent to any adjoining residential use in accordance with the requirements of Section 411.
- f) Exterior trash receptacles shall be provided, screened and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the clean up of litter.
- g) All drive-through window lanes shall be separated from the parking lot's interior driveways.
- h) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.
- i) Sufficient on-site stacking lanes shall be provided for drive-through windows to prevent vehicle backups onto adjoining roads.

## **SECTION 648 OUTDOOR MOTORIZED AMUSEMENT**

In the C or I Zone and subject to the requirements of the zone in which located except as herein modified and provided:

- a) Setbacks: The area to be used for recreational purposes must be set back at least hundred (100) feet from any property or street line.

- b) The use must have direct access via a major thoroughfare as designated by the Borough's Comprehensive Plan (See Appendix 1 of this Ordinance) unless determined otherwise by the Zoning Hearing Board (on the recommendation of the Borough Engineer)
- c) Exterior lighting shall be directed away from all adjoining properties.
- d) All facilities shall be kept in a neat and well maintained condition.
- e) Trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining properties.
- f) Depending upon the specific nature of the proposed use, additional screening, buffering, or noise control measures may be required to protect adjoining properties.
- g) Existing trees and vegetation shall be preserved, to the extent possible, to keep the area natural.

## **ARTICLE VII**

### **ADMINISTRATION AND ENACTMENT**

#### **SECTION 701 PERMITS**

##### **a) Zoning Permits**

1. When Required: A zoning permit, which must be obtained from the Zoning Officer, shall be required prior to any new construction, repair, modification to or demolition of an existing structure, except for the erection of temporary signs and fences.
2. Duration of Permit: The zoning permit shall continue in effect so long as the work to be performed, complies with the original plans as submitted to the Zoning Officer.
3. Application: The zoning permit application must be accompanied by a site plan showing as necessary to demonstrate conformity to this Ordinance:
  - a. Lot: The location and dimensions of the lot.
  - b. Streets: Names and widths of abutting streets.
  - c. Structures and Yards: Locations, dimensions and uses of existing and proposed structures and yards on the lot, and as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.
  - d. Improvements: Proposed off-street parking and loading areas, access drives and walks and proposed sewage disposal system.

For lots less than one-half acre in size, the site plan must be on the scale of one inch equals twenty feet; for larger lots, the site plan must be at a scale of one inch equals forty feet. The north point must be shown on all site plans.

##### **b) Use Certificates:**

1. When Required: A use certificate, certifying compliance with this Ordinance, must be obtained from the Zoning Officer for any new building or structure as set forth below or for any change of use of a building, structure or land as set forth below before such new building, structure or use or change of use is occupied or established:
  - a. Use of a building or structure erected, structurally altered or extended, or moved after effective date of this Ordinance.
  - b. Use of vacant land, except for agricultural purposes.

- c. Any change in a conforming use of a building, structure or land.
  - d. Any change from a nonconforming use of a building, structure or land to a conforming use.
  - e. Any change in the use of a building, structure or land from that permitted by any variance of the Zoning Hearing Board.
- 2. **Application:** An application for a use certificate must include a statement of the intended use and any existing use of the building, structure or land.
  - 3. **Duration of Permit:** The certificate continues in effect as long as the use of the building, structure or land for which it is granted conforms with this Ordinance.

## **SECTION 702    ENFORCEMENT - ZONING OFFICER**

- a) **Appointment and Powers:** For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office within the Borough, shall be appointed by the Borough Council. The Zoning Officer shall meet qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. The Zoning Officer shall issue all zoning permits and use certificates, and at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with the consent of the Owner.
- b) **Forms:** The Zoning Officer must provide a form or forms approved by the Borough Solicitor for
  - 1. Appeals.
  - 2. Zoning permits.
  - 3. Use certificates.
  - 4. Special exceptions.
  - 5. Registration of nonconforming uses and nonconforming buildings or structures.
  - 6. Variances.
- c) **Transmittal of Papers:** Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board

and to the Borough Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.

- d) **Action on Zoning Permits:** Within fifteen (15) days, except for legal holidays, after receipt of an application for a zoning permit, the Zoning Officer shall grant or refuse the permit. If the application conforms to the applicable requirements of the Zoning Ordinance, the Zoning Officer shall grant a permit. If the permit is not granted, the Zoning Officer shall state, in writing, the grounds for his refusal.
- e) **Action on Certificates of Use and Occupancy:** Within fifteen (15) days, except for holidays, after receipt of an application for a certificate of use and occupancy, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.
- f) **Revoking Permits/Approvals:** The Zoning Officer shall revoke a permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this Ordinance and such permit may be revoked.
- g) **Civil Enforcement Proceeding:** Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer may initiate civil enforcement proceedings. To initiate a civil enforcement proceeding, the Zoning Officer must send an enforcement notice 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 at least the following:
  - 1. The name of the owner of record and any other person against whom the Borough intends to take action.
  - 2. The location of the property in violation.
  - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of this Ordinance.
  - 4. Steps for compliance must be commenced within fifteen (15) days of the date of the notice and all steps for compliance must be completed within sixty (60) days of the date of the notice.
  - 5. The recipient of the notice has the right to appeal to the Zoning Hearing Board within fifteen (15) days of the date of this notice, in which case such appeal shall be heard in accordance with the procedures set forth in Section 502 of this Ordinance.
  - 6. Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, and sanctions may be imposed, including judgment of five hundred dollars (\$500) per day, court costs, attorney's fees, sheriff's sale or

judicial sale of your property in the event of nonpayment of such judgment, and equitable relief and injunction.

**h) Records:** The Zoning Officer must keep record of--

1. All applications for zoning permits, certificates of use and occupancy, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
2. All complaints of violations of provisions of this Ordinance and the action taken on them.
3. All plans submitted.
4. Nonconforming uses and nonconforming buildings and structures.

All such records and plans shall be available for public inspection.

**i) Reports:** At intervals of not greater than six (6) months, the Zoning Officer must report to the Borough Council --

1. The number of zoning permits and certificates of use and occupancy issued.
2. The number of complaints of violations received and the action taken on these complaints.

**j) Other Actions:** Nothing herein contained shall restrict, nor shall in any manner be construed to restrict, the Borough of Loganville from instituting any appropriate action or proceeding, in equity or at law, or otherwise, to prevent, restrain, correct or abate, or seek damages, costs, fees and expenses for the same, for any violation of this Ordinance.

## **SECTION 703    AMENDMENTS**

**a) Authority:** The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.

**b) Public Hearing(s):** Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.



- c) **County Planning Commission Review:** At least thirty (30) days prior to the hearing on any amendment by the Borough Council, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.
- d) **Amendments Involving Zoning Map Changes:** If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- e) **Enactment of Amendments:** Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one (1) newspaper of general circulation in the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then --
  - 1. A copy thereof shall be supplied to the newspaper in general circulation in the Borough at the time the public notice is published, and
  - 2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough shall, at least ten (10) days prior to enactment, re-advertise in one (1) newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Within thirty (30) days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.

- f) **Landowner Curative Amendments:** A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided for, and in accordance with the procedures set forth in, Section 609.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.
- g) **Municipal Curative Amendments:** If the Borough determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for, and in accordance with the procedures set forth in, Section 609.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.

## **SECTION 704 FEES**

The Borough Council shall by resolution establish fees for all applications, permits, or appeals provided for by this Ordinance to defray the costs of advertising; mailing notices; and processing, inspecting and copying applications, permits and use certificates. The fee schedule shall be available at the Borough Office for inspection.

## **SECTION 705 APPEALS**

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, Borough Engineer, Zoning Hearing Board or Borough Council may appeal in the manner set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as reenacted and amended, whichever is applicable.

## **SECTION 706 REPEALER**

The existing Zoning Ordinance, enacted and ordained by the Borough Council on June 2, 1980, and entitled "Loganville Borough Zoning Ordinance," Ordinance No. 66, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the Loganville Borough Ordinance, Ordinance No. 66, together with its supplements and amendments, would necessarily remain in full force and effect.

## **SECTION 707 INTERPRETATION**

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

## **SECTION 708 VIOLATIONS**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Borough Council or, with approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to any other remedies or proceedings, 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. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the

Borough Council at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough. No such action may be maintained until such notice has been given.

## **SECTION 709    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 (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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 fees collected for the violation of this Ordinance shall be paid over to the Borough.

## **SECTION 710    VALIDITY**

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

## **SECTION 711    EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No. 94-1, repealing Ordinance No. 66 and all amendments thereto, adopted by the Borough Council of Loganville Borough, York County, Pennsylvania into an ordinance the 7th day of November, 1994.

Attest:

Borough Council  
Loganville Borough  
York County, Pennsylvania

/s/ Heidi Irvin, Secretary

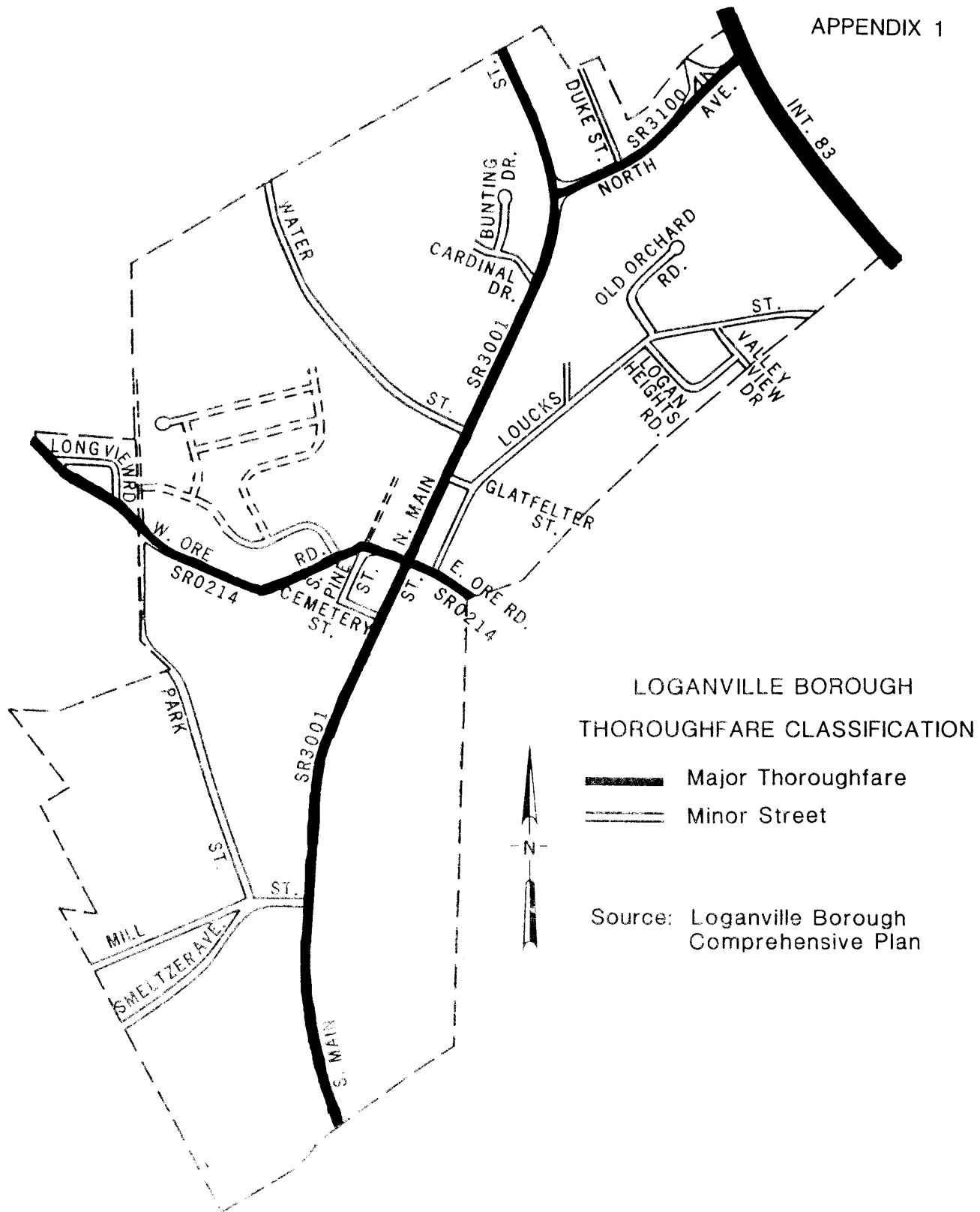
/s/ John G. Tile, President

Approved:

/s/ Nelson R. Ahrens, Mayor

## **APPENDIX 1**









# Loganville Borough - Zoning Map

York County Pennsylvania

