Chapter 27

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Part 1

Title, Authority, Purpose, and Community Development Goals and Objectives

§27-101. Short Title.

This Chapter shall be known as and may be cited as the "Christiana Borough Zoning Ordinance."

(*Ord. 211*, 1/4/2010, §100)

§27-102. Authority.

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, as amended.

(*Ord. 211*, 1/4/2010, §101)

§27-103. Purpose.

This Chapter is enacted for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including residential and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

C. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

D. This Chapter is made in accordance with an overall program, and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures.

(*Ord. 211*, 1/4/2010, §102)

§27-104. Community Development Goals and Objectives.

To promote and to foster the following community goals and objectives:

A. *Goal*. To develop a land use plan that focuses on the retention of the character of Christiana Borough.

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(1) Coordinate infrastructure improvements (public water and sewer, access management and electric, telecommunications, and other utilities) with development in the urban growth area.

(2) Discourage linear patterns of development contiguous to major roadways and country lanes and to encourage appropriate small town patterns.

B. *Goal*. To coordinate land use regulations and non-regulatory measures, including design guidelines and voluntary actions, consistent with the region's land use plan.

(1) Understand that non-regulatory measures would be more acceptable than additional regulatory measures for land use compliance, if appropriate.

(2) Where necessary, communicate the essence of land use regulations through user-friendly, illustrated booklets for property owners and developers.

(3) Make available a list of educational sources and resources to assist in meeting land use, planning, and zoning objectives.

C. *Goal*. Promote the development of a healthy and stable economic base capable of satisfying demands for a variety of goods and services and employment opportunities, as well as enhancing the fiscal capabilities of the Borough.

(1) Promote the establishment of industries which maintain or improve the natural environment.

(2) Promote the expansion and enhancement of existing businesses located in the Borough.

(3) Encourage and assist in attracting businesses and industries that provide job opportunities for the Borough's labor force.

(4) Encourage the establishment and expansion of businesses and industries which add stability and broaden the Borough's tax base.

(5) Promote the use of area public and private education facilities to assist in appropriate occupational training of the Borough's labor force.

D. *Goal*. To acknowledge the relationship of “town” to “countryside” in the Octoraro Region. The town setting is found in the villages and boroughs in and around the region. The towns help to alleviate development pressure in the farmed and natural areas. These villages and the Borough of Christiana are recognized as central places (magnets of activity) within the region. The towns provide opportunities for higher density (compact) housing, community gathering places and services (library, community center, parks, municipal services), expansion and concentration of businesses, and preservation of history and historic events.

(1) Highlight the defining characteristics of Christiana Borough to understand the unique contributions of it to the region's in-town and out-of-town residents. Features to be highlighted include, but are not limited to:

(a) The resident population (age, culture, and employment).

(b) Housing (type, style, age, and size/scale).

(c) Special places or events (parks, unique businesses and structures, historic structures and events, and community activities).

(d) Special services (fire companies, government services, and social

services).

(e) Businesses (concentration, location, and type).

(f) Design features (type and style of streets; use of alley-ways; presences of trees, sidewalks and curbs, fences, lampposts, mailboxes, public sewer and water, parking lots, stables, barns, etc.)

(2) Retain the characteristics and unique contribution of Christiana Borough.

E. *Goal*. To recognize Christiana Borough as the largest central place in the region and acknowledge it holds a valuable regional position. The Borough represents one of the gateways to the region from the Route 41 corridor. It contains the highest concentration of community and historic resources in the region. It has the region's only "downtown or main street" area (mix of business, services, and residences). It has the largest concentration of homes. It houses the region's only municipal police force and the largest public water and public sewer systems.

(1) Enhance and sustain the economic vitality of the Borough through a multi-dimensional approach linking history, business/service development, and design and physical improvements/enhancements.

F. *Goal*. To recognize and reduce potential conflicts between motorized and non-motorized vehicles.

(1) Prioritize major Improvements for sight distance and shoulder widening improvements, such as: PA Route 41, and PA Route 372.

(2) Prioritize minor routes experiencing buggy/motor vehicle, tourism vehicle, and oversized vehicle conflicts for improvements.

(3) Target improvement for corridors with a high frequency of crashes involving non-motorized vehicles and/or high potential for crashes due to traffic congestion and the mix of vehicular traffic.

(4) Work with the Lancaster County Planning Commission (LCPC), Metropolitan Planning Organization (MPO) and Pennsylvania Department of Transportation (PennDOT) to implement improvements.

(5) Consider the recommendations of the LCPC Non-motorized Transportation Study in the development of plans to accommodate non-motorized vehicles.

(6) Provide sidewalks and bicycle facilities in developed and planned urban areas.

(7) Designate a local tourism route to both protect the countryside and prevent congestion as related to the oversized vehicles listed in subparagraph (2).

G. *Goal*. Promote the establishment of an adequate, safe, convenient, and balanced transportation network in conjunction with land development that provides for the efficient movement of the people and goods.

(1) *Objectives*.

(a) Coordinate the location and improvement of traffic systems in a manner that maintains proper traffic movement to and from residential

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areas.

(b) Enforce provisions in Borough land use ordinances that require developers to properly assess and physically install street related improvements to satisfy the access and traffic demands generated by their developments.

(c) Maintain street upgrading and maintenance programs which focus upon areas of greatest concern.

(d) Promote utilization of appropriate technology to manage traffic, avoid congestion, conserve energy, and provide for safe vehicular movements.

H. *Goal*. To provide a wide range of community services and facilities accessible to the region's residents regardless of age and income level. Services include government, emergency, recreation, education, healthcare/social, and library.

(1) *Administrative Services/Facilities*. Give high priority to regional cooperation, collaboration, and support. Continue to target programs, services, and purchases, which are held in common by the region's municipalities and would benefit from regional efforts rather than individual municipal initiatives.

(2) *Emergency Services/Facilities*. Enhance the level of emergency service through a regional effort to reduce response time to remote regional locations, maintain regular communication with municipalities, upgrade radio systems, improve dispatch between Lancaster and Chester counties, address time management concerns, and help obtain access to rural water supplies.

(3) *Recreation Services/Facilities*.

(a) Consider a trail system in Christiana Borough to connect to surrounding municipalities.

(b) Support local organizations in providing a broad range of recreational programs for all ages including sports, cultural, informal gatherings, and community festivals/celebrations.

(c) Continue the coordination of recreational facilities and programs at either the municipal or school district level and within central-place locations.

(d) Seek to protect and preserve these habitat areas by working with the Octoraro Watershed Association and other conservancy groups.

(e) Continue to coordinate with the Lancaster County Parks Department as it explores future plans for County-owned parks and recreation areas.

(4) *Education Services/Facilities*.

(a) Continue to work with the Octorara (Christiana Borough and Sadsbury Township) School District to coordinate the District's long-range and strategic planning efforts with the planning activities of the region and its municipalities.

(b) Continue to communicate development and planning activities

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with the school districts and to work together to resolve common issues and/or problems and to enhance common features and assets.

(c) Continue to communicate with other education service providers throughout the region.

(5) *Health-Care/Social Services/Facilities*.

(a) Promote health care, social services and area facilities available to the residents and businesses of the Octoraro Region.

(b) Develop lines of communication and coordination between these service providers to work together to resolve common issues and/or problems and to enhance common features and assets.

(c) Offer a fuller range of senior services including home-based senior care, small care facilities located within central places, senior centers/activities housing options.

I. *Goal*. Establish goals and objectives, future land use plan, and land use ordinances that are compatible with the Lancaster County Comprehensive Plan, as amended, and existing comprehensive plans and land use ordinances for adjacent municipalities.

(1) *Objectives*.

(a) Develop goals and objectives that are cognizant and compatible with the Lancaster County Comprehensive Plan.

(b) Establish a planning program that accurately and effectively coordinates the development process in a manner compatible with municipalities adjacent to the Borough.

(c) Develop land use ordinances that are cognizant and compatible with the Octororo Region Joint Strategic Comprehensive Plan.

J. *Goal*. Establish interrelated land use patterns that are fluent, compatible, mutually supportive, responsive to the needs of the community, and considerate of natural and man-made limitations.

(1) *Objectives*.

(a) Protect existing and promote desirable future residential and nonresidential development through the adoption of compatible land use ordinances.

(b) Establish a continuous planning program that accurately monitors growth and development activities and effectively coordinates the development process as it occurs throughout the Borough.

(c) Strive to maintain the character of the Central Business District through the adoption of land use and building codes that are sensitive to and seek to provide the flexibility to maintain and promote a mix of residential and commercial uses.

(d) Seek to provide a variety of recreation facilities that focus on preserving cultural, historical, and/or natural features, as well as environmentally sensitive lands.

K. *Goal*. Promote the conservation of environmentally sensitive areas and natural amenities in a manner that facilitates harmonious coexistence with

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mankind.

(1) *Objectives*.

(a) Promote regulation of residential and nonresidential activities to prevent problems, such as pollution of water and air or any other possible harmful effects to the environment resulting from development.

(b) Promote greater public awareness and education of sensitive environmental issues and problems affecting the Borough.

(c) Incorporate appropriate provisions in the Borough land use ordinances that provide for preservation of woodlands, wetlands, and other environmentally sensitive lands.

(d) Assure that development within floodplain areas complies with provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act.

(e) Adopt and implement stormwater management regulations as part of the Borough's land use ordinances.

L. *Goal*. Provide for a sufficient supply and variety of housing types affordable at all income levels.

(1) *Objectives*.

(a) Adopt reasonable building, housing, and property maintenance codes which will eliminate and prevent conditions that contribute to and/or continue blight and poor quality living environments.

(b) Support efforts to assist in the provision of low and moderate income housing opportunities throughout the Borough.

(c) Adopt policies and ordinances that permit the expansion of residential opportunities by allowing for a variety of housing designs, types, and values to meet the housing needs of all segments of the Borough's present and future population.

(*Ord. 211*, 1/4/2010, §103)

Part 2

Definitions

§27-201. General.

The following words are defined in order to facilitate the interpretation of this Chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

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

B. *Language Interpretation*. In this Chapter, when not inconsistent with the text:

(1) Words in the present tense imply also the future tense.

(2) The singular includes the plural, the plural the singular.

(3) The male gender includes the female gender and the neuter.

(4) The word "person" includes any individual or, a corporation, partnership, or any other similar entity.

(5) The term "shall" or "must" is always mandatory.

(6) The word "lot" includes the words "plot" and/or "parcel."

(7) The word "may" is permissive.

(8) The words "used for" includes "designed for," "arranged for," "intended for," "maintained for," or "occupied for."

(9) The word "building" includes "structure" "or any part thereof."

(10) The word "person" includes "individual," "group of individuals," "profit or nonprofit corporation," "organization," "partnership," "company," "unincorporated association," or other similar entities.

(11) The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs and grading of land. This shall only apply when there is, or is going to be, new construction to a structure.

(*Ord. 211*, 1/4/2010, §200)

§27-202. Definitions.

Abandoned–any property, dwelling, motor vehicle, or item that is apparently and willfully disused, cessation, vacant, relinquished, unoccupied, or discarded. In addition to their ordinary and commonly accepted meanings, the terms "junked," "wrecked," and "stripped," shall have this same definition. An automobile, truck, motorcycle, or similar vehicle shall be deemed to be abandoned if required state registrations and inspections are not maintained for three or more consecutive months.

Abandonment–abandoned by the owner with the intention neither of transferring

rights to the property to another owner nor of resuming the use of the property.

Access drive–an improved cartway and/or paved surface designed and constructed to provide for vehicular movement between a public/private road and a tract of land containing any use other than one residential dwelling unit or farm.

Accessory use–see "use, accessory."

Accessory structure–a structure subordinate to and detached from the principal structure on the same lot and used for purposes customarily incident to the principal building. Noncommercial swimming pools shall be considered accessory structures when located on a lot with a residential dwelling. [*Ord. 215*]

Act–the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

Adjacent–the state of being side by side, next to or adjoining one another.

Adult use–an establishment or place of assembly to which the public is permitted or invited: (A) which has all or a substantial or significant portion of its stock in trade consisting of the following items: (1) books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (2) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or (B) wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (C) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; and/or (D) offer its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

The following specific uses are examples of adult uses; but shall not be considered the only types of adult uses.

A. *Adult bath house*–an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This Section shall not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Chapter, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

B. *Adult body painting studio*–any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

C. *Adult bookstore*–any establishment which has a substantial or significant portion of its stock in trade:

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(1) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

(2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

D. *Adult cabaret*–a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

E. *Adult massage establishment*–any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

F. *Adult mini motion picture theater*–an enclosed or unenclosed building with a capacity of more than five, but less than 50, persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

G. *Adult model studio*–any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

H. *Adult motel*–a motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by and emphasis on depiction or description of specified sexual activities or specified anatomical areas.

I. *Adult motion picture arcade*–any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

J. *Adult motion picture theater*–an enclosed or unenclosed building with a capacity of 50 or more persons used for presenting any form of audio or visual

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material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

K. *Adult news rack*–any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

L. *Adult outcall service activity*–any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

M. *Adult sexual encounter center*–any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

N. *Adult theater*–a theater, concert hall, auditorium or other similar establishment either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

O. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Aged–age 55 or older.

Agriculture–the cultivation of the soil and the raising and harvesting of the products of the soil including, but not limited to, nurseries, horticulture, forestry, and raising of customary domestic animals.

Agricultural use/structure–a use or structure pertaining to, or dealing with, agriculture, which is a direct result of husbandry or the cultivation of soil, involving the actual application of the art or science of cultivating the ground, including the harvesting of crops, the science or art of production of plants and animals used by man. It shall not include: (A) recreational activities as a business such as, but not limited to, hunting, fishing, camping, skiing, show competition or racing; (B) the raising, breeding or training of game animals or game birds, fish, cats, dogs, pets or animals intended for use in sporting or recreational activities; (C) fur farming; (D) stockyard and slaughter-house operations; or (E) manufacturing or processing operations of any kind, including the processing of agricultural waste.

Agricultural waste–includes solid, liquid or gaseous wastes which are the by-product of agricultural production, such as mushroom compost, but excluding manure used as fertilizer in accordance with approved conservation practices.

Alley–a public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic

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circulation. In no event shall an alley be used as a sole source of access to any use.

Alterations–any exterior structural addition to a building; any renovation to a building which would change its use; any change or rearrangement in the structural parts of a building such as bearing walls, columns, beams or girders, joists or rafters, or enclosing walls; the moving of a building from one location or position to another.

Amendment–a change in use in any district which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Borough Council.

Amusement arcade–a commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeet ball, electronic or water firing ranges and other similar devices). This definition does not include the use of five or less such devices as an accessory use.

Amusement park–a lot used principally as a location for permanent amusement structures, rides or activities.

Animal–

Animal, domestic–any dog, cat, equine animal, bovine animal, sheep, goat, or porcine (swine) animal.

Animal, exotic–members of the family Felidae except those species commonly called house cats and members of the Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.

Animal, wild–all animals falling into one of the following categories as defined by Title 34 [Pa.C.S.A.,] Pennsylvania Game and Wildlife Code:

(1) *Big game*–Elk, deer, bear, and wild turkey.

(2) *Furbearer*–badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcats.

(3) *Game animals*–elk, deer, bear, cottontail, snowshoe hare, red, gray, and fox squirrels.

(4) *Game birds*–geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

Animal equivalent unit (AEU)–1,000 pounds live weight of livestock and/or poultry animals, regardless of the actual number of animals that comprise the unit. For purposes of administering this Chapter, the reference table of standard animal weights shall be used to calculate animal equivalent units. (See Appendix 27-2-A.)

Antenna–any system of wires, poles, rods, reflecting discs, satellite disks or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

Apartment, conversion–an existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the building. Conversion apartments are not a permitted use in any zoning district. [*Ord. 215*]

Applicant–a landowner or developer who has filed an application for development or a permit, including his heirs, successors and assigns.

Application for development–every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Area–the extent of surface contained within the boundaries or extensions of any object.

Area, gross–the entire area of a tract of land inclusive of existing public rights-of-way whether interior or exterior and including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open space.

Area, lot–the area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

Area, net–the actual area proposed for development exclusive of existing and proposed rights-of-way.

Attic–that part of a building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into habitable room by the inclusion of dormer windows, an average ceiling height of 5 feet or more, and a permanent stationary interior access stairway to a lower building story.

Automobile body shop–a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

Automobile detailing shop–a facility which provides automobile related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of after market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. However, engine degreasing or similar automobile cleaning services shall not be included under this definition.

Automobile sales–any building or land devoted to the retail sales of motor vehicles, including travel trailers and farm machinery, and including accessory service and repair facilities if conducted within a wholly enclosed building.

Automobile filling / service station–a building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps or other distribution devices and storage tanks or a building or lot which contains facilities for rendering commercial services, such as lubrication, washing, vehicle repairs, and retail sales of motor vehicle accessories. The station may also include the sale of a limited selection of food and common household items as a clearly accessory use, provided that the total parking requirements of this Chapter are complied with. Commercial services shall be presumed if vehicles, other than those owned by the lot owner, tenant or family are lubricated, washed or repaired on or in the building or lot.

Backing up–putting a vehicle into reverse gear and moving backward from a side road or lot onto a public thoroughfare.

Basement–any area of a building having its floor below ground level on all sides.

Bed and breakfast inns–an owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than 14 days. Breakfast may be offered

only to registered overnight guests.

Billboard–see definition for "signs."

Block–an area of land bounded by streets.

Board, Zoning Hearing–the Zoning Hearing Board of Christiana Borough, Lancaster County, Pennsylvania.

Boarding home–a building arranged or used for the lodging, with or without meals or other services by either transient or permanent residents of not more than 10 individuals for compensation. This definition includes rooming houses, lodging houses.

Borough–Christiana Borough, Lancaster County, Pennsylvania.

Buffer yard–see definition for "yard, buffer."

Building–a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building, accessory–a detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building, attached–a nonresidential building constructed so that one or more walls attach to another building. A building shall not be considered attached merely because a railing, spouting, unenclosed cause way, unenclosed breeze way, or similar structure may incidentally attach two buildings together.

Building, detached–a nonresidential building that does not share a wall with another building. A building shall still be considered a detached building if it is connected with a railing, spouting, unenclosed cause-way, unenclosed breeze way, or similar structure that may incidentally attach two buildings together.

Building, farm–buildings principally devoted to agricultural uses; namely barns, poultry and other animal houses, corn cribs, silos, and other similar farm structures. The term "farm building" shall not include a dwelling.

Building, principal–a building in or on which is conducted the principal use of the lot on which such building is located. All other buildings on the same lot (incidental or supplemental thereto) shall be considered accessory buildings.

Building area–the total area of all buildings (principal and accessory) taken on one or more horizontal planes that are directly between the ground and the sky, exclusive of awnings, terraces, and steps (e.g., top view).

Building envelope–the area of a lot that has no building or construction restrictions such as building setback requirements, rights-of-way, easements, floodplains, wetlands, steep slopes, or similar restrictions as defined in this Chapter.

Building height–see "height, building."

Building length–the longest horizontal measurement of a building.

Building permit–see definition for "permit, building."

Building setback line–the line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent rights-of-way and property lines. This shall include sun parlors, covered porches, whether enclosed or unenclosed, any roof overhangs, but does not include steps.

Carport–an unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

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Cartway–the improved surface of a street, drive, or alley available for vehicular traffic.

Cemetery–land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

Centerline–the center of a surveyed street, road lane, alley, alley right-of-way, or where not surveyed, the center of a traveled cartway.

Certificate of use and occupancy–a certificate issued by a building code official allowing occupancy of a building or structure under the Uniform Construction Code.

Church/house of worship and related uses–a building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church related educational and/or day care facilities.

Cinema–a building or part of a building containing a stage and/or screen and seating for meetings, performances, or screening of movies on a paid admission basis.

Clear-sight triangle–an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

Club, private–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 there are not conducted any vending stands, merchandising or commercial activities except as required for membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs.

Cluster–a development design technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Columbarium–a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

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 a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Common wall–a wall used or adopted for joint service between two buildings or parts thereof.

Communications equipment building–an unstaffed building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

Communication tower– structure other than a building, such as a monopole, self-supporting or guide tower, designed and used to support communication antenna(s).

Community center–a building or portion of a building used as a gathering place or meeting area by local residents or the residents of the Borough or development within which it is located.

Community system–a central water or sewerage system, the rates and service of which may be publicly or privately controlled.

Completely dry space–a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Composting–the conversion of organic matter, such as yard waste, to fertilizer.

Comprehensive Plan–the Octoraro Region Joint Strategic Comprehensive Plan.

Conditional use–a use permitted in a particular zoning district pursuant to when specific conditions and criteria prescribed for such uses have been complied with in accordance with this Chapter. Conditional uses are reviewed by the Borough Council after recommendations by the Planning Commission.

Condominium–real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common are vested in the unit owners.

Conservation area, private–an area of open or forested land and/or water in its natural state owned and operated by a non-profit organization, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

Conservation area, public–an area of open or forested land and/or water in its natural state owned and operated by a governmental entity, which may only be used incidentally and occasionally for recreation, sports, play and cultural activities.

Conservation plan–a plan including a map(s) and narrative that, at a minimum includes, but is not limited to, an erosion and sedimentation control plan for an identified parcel of land.

Consistency–an agreement or correspondence between matters being compared, which denotes a reasonable rational, similar, connection or relationship.

Construction–the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured homes.

Contractor's office or shop–offices and shops for tradesmen, such as building, cement, electrical, masonry, painting, and roofing contractors.

Convalescent home–a residential facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. A long-term care facility.

Convalescent center–a facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

Convenience store–a use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, when no patron seating is provided, and is not primarily a restaurant, and that includes a building with a floor area of less than 8,000 square feet. A convenience store shall not have drive-through service; otherwise it shall be considered a restaurant. The rental of video tapes and/or DVDs typically provided by an adult bookstore is specifically prohibited.

Convention center–an assemblage of uses that provides for a setting where indoor

and outdoor exhibits and activities serve various business, entertainment, recreation and conventions. This use can also include related lodging and dining facilities.

Conversion–to change or adapt land or structures to a different use, occupancy or purpose.

Cottage industry–a business owned and operated by a resident of the premises as a use which is clearly secondary to a permitted use. Such businesses shall be compatible with the rural character of the region. Cottage industry is intended to enhance the economy of the municipality by providing an equitable opportunity to land owners to develop light industrial uses without the subdivision and fragmentation of rural land. Such industries may include craftsmanship shops; butcher shops; woodworking and cabinetry shops; metalworking; leatherworks; blacksmith shops; carriage shops; toolmaking; handmade arts and crafts; quilts; and kindred.

Council, Borough–the Christiana Borough Council, Lancaster County Pennsylvania.

County–the County of Lancaster, Commonwealth of Pennsylvania.

County Planning Commission–the Lancaster County Planning Commission.

Court–an unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Crematoria–a building at which dead bodies are cremated; also a furnace so employed. A location containing properly installed, certified apparatus intended for use in the act of cremation.

Curative amendment–a proposed zoning amendment made to the Borough Council by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

Dawdy house–an additional dwelling unit placed on a property for occupancy by an elderly person(s) related by blood, marriage, or adoption, to the occupants of the principal building.

Day care center–a facility, not in a private residence, enrolling six or more individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged. Such facility shall employ licensed personnel and be licensed by the Commonwealth of Pennsylvania.

Day care–a private residence, enrolling less than six or more individuals and where tuition, fees, or other forms of compensation for the instruction and care of the individuals is charged.

Deed restriction–clauses included in a deed, which restricts, controls or limits the general use of a defined parcel of land.

Demolish–to ruin, destroy or damage badly. To pull or tear down.

Density–the number of dwelling units allocated per acre of land.

Density, net–the aggregate number of residential units within property lines divided by the total number of acres within the same property lines. Because the land area measured is within the property lines, all other lands such as streets, common open spaces, and utility rights-of-way are excluded from the acreage calculation.

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Density, gross–the number of housing units allocated per gross acre of land. (The total area within the deeded property lines of the development site without exception and inclusive of streets, rights-of-way, etc.)

Developer–any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

Development of regional significance and impact–any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development plan–the provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, driveways and parking facilities, common open space and public facilities. The phrase, "provisions of the development plan," when used in this Chapter shall mean the written and graphic materials referred to in this definition.

Distance between buildings–this measurement shall be made at the closest point.

Domestic pets–see "animal, domestic."

Drive-through establishment–any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transaction; also known as "drive-through facilities."

Driveway–an improved cartway designed and constructed to provide vehicular movement between a public or private road and serving up to four single-family dwelling units.

Dump–a lot or land or part thereof used primarily for disposal by abandonment dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof

Duplex–a freestanding building containing two dwellings for two families which has only one party wall or floor in common.

Dwelling–any residential structure containing any number of dwelling units. The word "dwelling" shall not include lodging houses, boarding or rooming houses, bed and breakfast inns, hotels, motels, tents, trailers, or any structure designed for or used for transient residence. [*Ord. 215*]

Dwelling, accessory–an independent dwelling unit incorporated within an existing single-family detached dwelling, without any substantial external modifications. See "Performance Standards," §27-1103. [*Ord. 215*]

Dwelling, conversion–an existing dwelling unit that is or was converted to a dwelling for more than one family, without substantially altering the exterior of the

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building. Conversion dwellings are not a permitted use in any zoning district. [*Ord. 215*]

Dwelling, manufactured home–a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities.

Dwelling, mobile home–a large trailer, fitted with parts for connection to utilities, that can be installed on a relatively permanent site and that is used as a residence.

Dwelling, multi-unit–a dwelling containing three or more dwelling units. Conversion dwellings and accessory dwellings are not included in this classification. [*Ord. 215*]

Dwellings, multiple–one of a number of dwellings in an apartment building.

Dwelling, single-family–a dwelling designed and occupied exclusively by one family, having no walls in common with any other dwelling or building.

Dwelling unit–a single unit providing complete independent living facilities for one or more persons within a single family including permanent provisions for living, sleeping, eating, cooking and sanitation. [*Ord. 215*]

Easement–a grant of one or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. The owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Eating establishment–any form of restaurant and/or tavern open to the public, dispensing food and drink.

ECHO housing–a temporary additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling. Caregivers can live in the additional dwelling unit.

Elder cottage–see "dawdy house."

Emergency services structure–government owned and/or not-for-profit organizations such as, but not limited to, ambulance, fire, police, police substations, and emergency operation centers.

Environment–air, water, noise, open space, soil, night sky, and wildlife resources.

Essentially dry space–a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to passage of water.

Existing building code–a section of the International Building Code family comprising the Uniform Building Code adopted by the Pennsylvania General Assembly in 1999, applicable to new and existing construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. The International Existing Building Code (IEBC) applies to all existing buildings and historic resources as defined herein.

Facade–the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family–any one of the following:

A. A single individual occupying a dwelling unit.

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B. Two or more persons related by blood, marriage, or adoption occupying a dwelling unit.

C. Not more than three unrelated persons occupying a dwelling unit.

D. Not more than eight related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Pennsylvania Department of Public Welfare or other appropriate Federal or State agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home

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provides room and board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

Farm–a parcel of land, containing at least 10 acres and a residence, which is used for land cultivation, livestock, poultry or dairy operation or which is otherwise used for an agricultural or horticultural use.

FCC–Federal Communications Commission.

Felling–the act of cutting a standing tree so that it falls to the ground.

Fence–a barrier designed to restrict the movement of persons, animals and/or vehicles. This definition shall include ornamental fence treatments.

Fill–material placed or deposited so as to form an embankment or raise the elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.

Financial institution–a bank, savings and loan association, credit union, finance or loan company, etc.

Flag lot–a lot created by a subdivision which includes a narrow projection or "flagpole" to the right-of-way. The "flag" shall include that portion of the lot that is the location of the principle and accessory buildings.

Flag pole–a narrow extension of property on a flag lot from the buildable area of a lot to the right-of-way. The "pole" shall be considered that portion of the site that is used for vehicular access between the lot and its adjoining street.

Flea market–a retail sales use where more than one vendor displays and sells general merchandise that is new or used. Flea markets can include indoor and outdoor display or merchandise.

Flood–a temporary inundation of normally dry land areas.

Flood elevation, regulatory–the 100-year flood elevation plus a freeboard safety factor of 1½ feet.

Flood fringe–that portion of the floodplain outside the floodway.

Flood channel–a natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

Flood proofing–any combination of structural and nonstructural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real estate, water and sanitary facilities, structures and their contents.

Floodplain area–a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodway–the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor area–the sum of the gross horizontal areas of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used

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as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Footcandle–a unit of light intensity stated in lumens per square foot and measurable with an illuminance meter or light meter.

Forestry–the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes which does not involve any land development.

Frontage–the land or building facing a street. The land between the building and the street.

Full cutoff–a term used by the lighting industry to describe a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

Full shielded–a light constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminare, is projected below the horizontal.

Funeral home–a building or part thereof used for human funeral services. Such building may contain space and facilities for:

A. Embalming, cremation and the performance of other services used in preparation of the dead for burial.

B. The performance of autopsies and other related surgical procedures.

C. The storage of caskets, funeral urns, and other related funeral supplies.

D. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Gaming facility–any facility or location at which any lawful gambling activity other than, or in addition to, pari-mutuel wagering may be conducted under Pennsylvania law, including any facility in which gambling devices, including, but not limited to, slot machines, video poker machines, punch boards and other similar devices are located. The term “lawful gambling activity” shall not include the sale of lottery tickets in compliance with State Lottery Law.

Garage, private–a garage intended and used for the storage of the private motor vehicles of the families residing on the premises.

Garage, public–a space or structure, other than a private garage, for the storage, sale, hire, care, repair or refinishing of motor vehicles.

Glare–the sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

Governing body–the Borough Council of Christiana, Lancaster County, Pennsylvania.

Grade, established–the elevation of the center line of the streets, as officially established by the Borough authorities.

Grade–the level of the ground adjacent to a building, structure, exposed storage,

or sign.

Grade, mean–formulated from the average ground level at all corners of a building.

Greenhouse–a structure devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting.

Group home–a dwelling operated by an individual, family, or organization with a program to provide a supportive living arrangement for up to 15 residents 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. This does not include social rehabilitation of anyone convicted of a felony. Group homes must be licensed where required by any appropriate government agencies. The Borough must be supplied with all current and renewed licenses.

Ground floor–the floor of a building nearest the mean grade of the front of the building.

Hazardous material–materials which have the potential to damage health or impair safety. Hazardous materials include, but are not limited to, inorganic mineral acids or sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids, such as phenols and cresols, and their salts; petroleum products; and radioactive materials. Because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, exposed of, or otherwise managed.

In the floodplain, floatable materials with the potential to cause physical damage, such as storage tanks, and large containers as defined by Pennsylvania Department of Environmental Protection, 25 Pa.Code, Chapter 75, as amended.

Hazardous waste facility–any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purpose of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the normal transportation time through the Borough.

Health and recreation facility–a commercial business that offers active recreational and/or fitness activities. Such facilities do not include golf courses.

Heavy equipment–vehicles and machinery that are not normally associated with domestic use (e.g., excavation equipment, commercial trucks and trailers, buses, yachts, farm equipment, mechanized amusement rides, industrial machinery, and other similar items)

Height, building–a building's vertical measurement from the average ground level at the corners of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Chimneys, barns, spires, towers, silos, and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

Helicopter pad (private)–an accessory use where no more than one helicopter may land/take-off and be stored.

Heliport–a principal use where one or more helicopters may land/take-off and be

stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars.

Highway access point–the measurement shall be extended from the terminate of one curb cut to the establishment of an adjacent curb cut. In the event that there are no curbs, the measurement shall be from the edge of each cartway.

Historic resource–any building, site, object or district that:

A. Is listed on or eligible for listing on the National Register of Historic Places, either individually or as a contributing resource.

B. Is designated a historic resource by local, county, or State survey/inventory.

C. Is designated a historic resource by locally implemented preservation regulations.

Home occupation–any activity conducted entirely within a dwelling or accessory structure which is subordinate to the residential use of the dwelling.

Hospital–an institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a 24-hour per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital can also include attached and detached accessory uses, provided that all accessory uses are contained upon the hospital property.

Hotel / motel–a facility offering transient lodging accommodations to the general public that may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Hydric soil–soil that is wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants according to the Soil Survey of Lancaster County, Pennsylvania, as amended.

Hydrophyte–any plant growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Identified floodplain area–the floodplain area specifically identified in this Chapter as being inundated by the 100-year flood.

Iluminance–the quantity of light measured in foot-candles or lux.

Impervious, coverage–the ratio of the area of all portions of the lot covered in any way so as to not allow the ground beneath to absorb water at a natural rate to the total area of the lot, excluding any portions of the lot within the street right-of-way.

Impervious material–any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water.

Improvement–to make more useful, profitable, or valuable.

Impacts associated with normal farming practices–including, but not limited to, noise, odors, dust, night, holiday and early morning operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil, herbicides, and pesticides.

Industry–the manufacturing, compounding, processing, assembly or treatment of materials, articles, or merchandise.

Inlaw quarters–attached dawdy house.

Junk–any material, machinery, scrap metals, articles or objects regardless of value in part, gross, or aggregate, and including but not limited to inoperable vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste.

Junkyard–any lot, land, parcel, building or structure or part thereof where junk is stored or accumulated; or, where the business of selling, buying, or dealing in junk is conducted; or, where two or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

Land development–any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(2) The division or allocation of space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

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 the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

Laundry facility–a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-unit dwelling.

Library–a public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Lighting, difussed–that form of lighting wherein the light passes from the source through a translucent cover or shade.

Lighting, direct or flood–that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

Lighting, indirect–that form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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Loading berth/space–an off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

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 and having a frontage on a dedicated street or road.

Lot area–the area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

Lot, corner–a lot adjacent to a street intersection with frontage on two or more streets.

Lot, coverage–the proportion of a lot which is imperviously surfaced.

Lot depth–the horizontal distance measured between the street right-of-way line and the closest rear property line: on corner and reverse frontage lots, the depth shall be measured from the street right-of-way of the street of address to the directly opposite property line.

Lot, double frontage–a lot extending between and having frontage on two streets; however, a corner lot shall not be considered a double frontage lot.

Lot frontage–the lot dimension measured along the right-of-way line of any one street abutting a lot.

Lot flag–see "flag lot."

Lot interior–a lot, the sides of which do not abut a street.

Lot line–a property line as defined by a sealed survey or legal description for the recorded deed to a lot.

Lot, nonconforming–see definition for "nonconforming lot."

Lot of record–a lot which has been recorded in the Office of the Recorder of Deeds of Lancaster County, Pennsylvania.

Lot width–the length of a straight line, measured at the front building setback line running substantially parallel to the street line, along the full width of the lot.

Lowest floor–the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Chapter.

Lumen–the quantity of light produced by a lamp or emitted from a luminaire.

Luminance–the physical and measurable quantity of light that corresponds to the brightness of a light source or of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a luminance meter or light meter.

Luminaire–a complete lighting unit consisting of a lamp(s) together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Lux–a unit of light intensity stated in lumens per square meter. There is

approximately 10.7 lux per footcandle.

Manufactured home–see "dwelling, manufactured home."

Manufactured home park–a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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

Mean sea level–see "National Geodetic Vertical Datum (NGVD)."

Mediation–a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Medical center–establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

Minor repair–the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Mixed use–occupancy of a building or land for more than one use or type of use.

Mobile home–a large trailer, fitted with parts for connection to utilities, that can be installed on a relatively permanent site and that is used as a residence.

Motel / hotel–see "hotel/motel."

Motor home–see "recreational vehicle."

MPC–the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

Motor vehicles–except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle, boat or abandoned trailer of any kind shall be parked, kept or externally stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Motor vehicle, abandoned–a vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

Motor vehicle, junk–any motor vehicle, trailer, or semitrailer that is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition;

provided, that such vehicle, trailer, or semitrailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

Municipal–Lancaster County or Christiana Borough.

Municipal Engineer–the professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Borough.

Municipality–Christiana Borough, Lancaster County, Pennsylvania.

Museum–a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

New construction–structures for which the start of construction commenced on or after July 5, 1989 and includes any subsequent improvements thereto.

No-impact home based business–a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.

H. The business may not involve any illegal activities.

Nonconforming lot–a lot, the area or dimension of which was lawful prior to the enactment of this Chapter or any amendment hereto, but which fails to conform to the requirements of the zoning district in which it is located by reason of the enactment of this Chapter or any amendment hereto.

Nonconforming structure–a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or

amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter 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 structure, which does not comply with the applicable use provisions herein or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the application of this Chapter or amendment to its location by reason of annexation.

Nursery–a commercial operation devoted to the raising and/or selling of trees, ornamental shrubs, flowers, houseplants, and vegetable plants for transplanting.

Nursing facility–a skilled nursing or intermediate care facility, including special rehabilitation and hospital-based facility, that is owned by an individual, partnership, association, or corporation and may be operated on a profit or nonprofit basis.

Obstruction–any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, other structure, or other matter in, along, across, or projecting into any channel, watercourse, or floodplain, which may impede, retard, or change the direction of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage of life and property.

Office–a place where the primary use is conducting the affairs of a business, profession, service, or government, administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

On-lot sewer–a single collection and disposal system for waste waters which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

On-lot water–a single collection and conveyance system for water supply system which services only one lot as approved by the Pennsylvania Department of Environmental Protection.

One hundred-year flood–a flood that, on the average is likely to occur once every 100 years (i.e., that has a 1 percent chance of occurring each year, although the flood may occur in any year).

Open space–an area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and water courses. Open space shall not be deemed to include driveways, parking lots, sidewalks adjacent to streets, or other surfaces designed or intended for vehicular travel or parking.

Other provisions–all other laws, regulations, legislation ordinances, controls, conditions and provisions of this Borough, County, State, Federal, or other governmental entities or instruments (including, but not limited by, enumeration to authorities,

boards, commissions, committees, agencies, appellate courts of record, etc.) which are or may be applicable to the use, building, or structure, or any activity or happening related thereto, affecting same, or effected thereby.

Parking lot–any lot, Borough or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

Parking space–the space within a building, or on a lot or parking lot, for the parking or storage of one vehicle.

Parks, private–a recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business.

Parks, public–those facilities designed and used for recreation purposes by the general public that are (A) owned and operated by a government or governmental agency/authority, or (B) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

Permit–any and all grants of authority, permissions, registrations or certifications issued by the Zoning Officer, Sewage Enforcement Officer, Zoning Hearing Board or legislative bodies.

Permit, special–a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

Person–an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal care home–a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. The term includes a premises that has held, or presently holds, itself out as a personal care home and provides food and shelter to four or more adults who need personal care service, but who are not receiving the services.

Personal service–a structure or portion thereof in which the services of a person, permitted to practice a specific profession, are offered to the general public. Personal services shall include, but not be limited to, agents, barbers, beauticians, cleaners, doctors, lawyers, optometrists, photographers, post offices, repairing tailors, funeral directors, utility collection offices, dressmaking, coin operated laundromats, and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere, but excluding establishments primarily designed to provide drive-in facilities.

Pesticide–any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

Petroleum product–oil or petroleum of any kind and in any form, including crude oil, sludge, oil refuse, and oil or petroleum mixed with other wastes. Petroleum products

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do not include propane.

Planning Commission–the Planning Commission of the Borough of Christiana, Lancaster County, Pennsylvania.

Plat–the map or plan of a subdivision or land development whether preliminary or final.

Porch–a roofed open-area structure projecting from the front side, or rear wall of a building.

Premises–any lot, parcel, or tract of land and any building constructed thereon.

Private–not publicly owned, operated, or controlled.

Professional occupation–the practice by any professional, including, but not limited to, attorney, physician, surgeon, osteopath, chiropractor, dentist, optician, optometrist chiropodist, engineer, surveyor, architect, landscape architect, planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

Public–owned, operated or controlled by a government agency (Federal, State, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

Public hearing–a formal meeting held pursuant to public notice by the Borough Council or planning agency, intended to inform and obtain public comment, prior to taking action.

Public meeting–A forum held pursuant to notice under 65 Pa.C.S. §701 *et seq*. (known as the "Sunshine Act"), as amended from time to time.

Public notice–a notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Public sewer–a system providing sanitary sewage collection and/or disposal for two or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two or more dwelling units exist on one lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public sewer system may be owned and operated by one other than a municipality or a municipal authority, if such system is authorized by the governing body of the municipality and conforms strictly with all other ordinances and approved and permitted by the Pennsylvania Department of Environmental Protection.

Public road–see "street."

Public use–a use owned, operated, or controlled by a governmental entity (Federal, State, County or local), including a corporation created by law for the performance of certain specialized governmental functions.

Public utility–a business enterprise, as a public service corporation, performing an essential public service and regulated by the Federal, State, or local government.

Public or community water system–a municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection. Such systems are capable of serving multiple users.

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Recreational facility–a recreational use that may include playing fields for baseball, football, lacrosse, rugby, soccer, or similar activities; courts for basketball, tennis, volleyball, or similar activities; skating rinks; skateboarding areas; swimming pools; playground areas suitable for children; or any combination of these uses. Recreational facilities may include ancillary improvements such as off-street parking areas, signage, and lighting, but enclosed structures shall be limited to those accommodating uses clearly accessory to the outdoor recreational function, such as concession stands, storage sheds, locker rooms and shower facilities, first-aid stations, and offices and meeting rooms for the administration of the facility. "Recreational areas" may be further classified as described below.

A. *Commercial recreational facility*–a recreational area operated by a private entity as a commercial, for-profit business that is open to the general public for a fee.

B. *Private recreational facility or club*–a privately-owned recreational area or club that has been established as an element of a housing development or group of residences where access is limited to the residents of that development and their guests.

C. *Public recreational facility*–a recreational area owned by the Borough or some other governmental or public nonprofit agency approved by the Borough that is open to the general public. Designation of a recreational area as "public" shall not stop the operating agency from charging a fee for the use of facilities to cover administrative, insurance, maintenance, and other operating costs.

D. *Restricted recreational facility*–a recreational area operated as a membership organization where only members and their guests have access to the facility.

Recreational vehicle–a vehicle which is:

A. Built on a single chassis.

B. Not more than 400 square feet, measured at the largest horizontal projections.

C. Designed to be self-propelled or permanently towable by a light-duty truck.

D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recycling center–a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. This term does not include transfer facilities, municipal waste landfills, composting facilities, resource recovery facilities, or junkyards.

Repair services–a facility or service not limited to; radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe-repair shops.

Repetitive loss–flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Restaurant–an establishment that serves prepared food primarily on nondisposable tableware, but can provide for incidental carry-out service so long as the area used for

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carry-out service does not exceed 5 percent of the total patron seating area nor 80 square feet (whichever is less). Caterers shall be included in this definition.

Restaurant, drive-thru or fast food–an establishment that serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off the site.

Retail–those businesses whose principal activities involve the sale of goods and products to the general public. This term shall include internet sales but shall not include adult-related facilities as defined herein.

Retirement and convalescent home–a building or group of buildings, including cottages, designed and used specifically for the residence and care of aged or infirm persons, which can include one type of residential facility or a continuum of care; such as retirement communities, assisted care facilities, continuing care facilities, and skilled and intermediate care facilities and health care centers in conjunction with residential facilities and may include accessory medical facilities not intended to serve the general public but rather only those persons residing in the retirement home and facilities related to the providing of nursing and/or convalescent care.

Right-of-way–a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other public or semipublic similar uses; generally, the right of one to pass over the property of another.

Road–see definition of "street."

Roadside stand–a structure designed or used for the display or sale of agricultural products or other goods produced on the premises upon which such stand is located.

School–a principal use in which supervised education or instruction is offered according to the following categories.

School, commercial–an educational facility not operated by a public agency. The range of curriculums can include all levels of academic instruction, business and technical programs and artistic, dance, baton-twirling, and musical training. Commercial schools are principal uses that are neither home occupations nor day care operations. The uses shall not include vocational and/or mechanical trade schools as defined in this Chapter.

School, private–a school that may offer a wide range of educational or instructional activities (excluding vocation-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the School District.

School, public–a school licensed by the Department of Education for the purpose of providing elementary, secondary, post-secondary, post-graduate and adult education, and operated by the School District.

School, vocational-mechanical trade–a school that may or may not be operated as a gainful business that principally offers training in any of the following, but not limited to, occupations:

A. Truck driving.

B. Engine repairs.

C. Building construction and general contracting.

D. Woodworking.

E. Masonry.

F. Plumbing.

G. Electrical contracting.

Screening–an assemblage of materials that are arranged so as to block sound, and/or odor, and/or light between grade and a height of 6 feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, other similar type materials, or any combination thereof. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, nor sheet metal.

Seasonal residence–a dwelling, cabin, lodge or summer house which is intended for occupancy less than 182 days of the year.

Set back–the required horizontal distance between a set back line and a property or street line.

Setback, front–the distance between the right-of-way line and the front set back line projected the full width of the lot. Commonly called "required front yard."

Setback, rear–the distance between the rear lot line and the rear set back line projected the full width of the lot. Commonly called "required rear yard."

Setback, side–the distance between the side lot line and the side set back line projected from the front yard to the rear yard. Commonly called "required side yard."

Setback line–a line within a property and parallel to a property or right-of-way line which delineates the required minimum distance between some particular use of property and that property or street line.

Shopping center–one or more attached buildings devoted to more than one commercial use on the same lot. For the purposes of this definition "attached" shall include buildings that are not physically attached, but share a common parking lot or other common facilities.

Sight distance–the maximum extent of observed vision (in a vertical or horizontal plane) along a road from a vehicle located at any given point on the road.

Sign–any structure or device for visual communication which directs attention to a business, commodity, service, or entertainment. The word "sign" does not include the flag, pennant or insignia of any nation, state, city, or other political unit nor public traffic or directional signs.

Sign, advertising–a sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

Sign, business–a sign directing attention to a business, commodity, or service use conducted, sold, or offered upon the same premises as those upon which the sign is located and maintained.

Sign, identification–a sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

Sign, off-premises–a sign intended for displaying of information not located on or related to the premises on which the sign is situated.

Sign, on-site–a sign relating its subject matter to the premises on which it is located.

Sign, roof–any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

Sign, temporary–a temporary sign shall be construed to mean any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

Sign, wall–a sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than 8 inches from such wall.

Sign, window–a temporary or permanent sign oriented to the right-of-way located either on the inside or outside window.

Single-family home–one dwelling unit housing one family.

Single and separate ownership–the ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.

Special exception–a use permitted in a particular zoning district pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

Soil Survey–the latest published version of the United Stated Department of Agriculture's Soil Survey for Lancaster County, Pennsylvania.

Solid waste–garbage, sludge, refuse, trash, rubbish, debris, and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, agricultural and community activities. Solid waste does not include hazardous waste as defined herein.

Storage facility–a building(s) intended for the lease of storage space(s) for the sole purpose of storing household goods, documents, motor vehicles, boats, office equipment or recreational equipment.

Story–that portion of a building located between the surface of any floor and the ceiling or roof above it.

Story, half–a story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two opposite exterior walls, are not over 3 feet above the finished floor of such story.

Street–includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by vehicular traffic, whether public or private.

Street centerline–the horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

Street, cul-de-sac–a street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street, arterial–a street that represents substantial statewide, interstate, or

regional travel and movements between major urban areas.

Street, major collector–a street that serves primarily intracounty trips and link with arterial streets.

Street, minor collector–a street that accumulates traffic from local streets and brings all development area within reasonable distance of collector roads. A minor collector street provides service to small communities.

Street, local–a street that primarily provides access to adjacent land and serves travel over relatively short distances. Generally, interaction with vehicles entering or existing the highway network is expected.

Structure–anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structure, principal–a structure where the context so indicates a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Structure, temporary–a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Subdivision–the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access of any residential dwelling, shall be exempted.

Substantial damage–damage of any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred.

Substantial improvement–any reconstruction, rehabilitation, addition, other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" (or "respective loss" when repetitive loss language is used) regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continues designation as a "historic structure."

Substantially completed–where, in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be

used, occupied or operated for its intended use.

Swimming pool–any structure containing or normally capable of exceeding 24 inches in water depth intended for swimming. Above-ground pools over 24 inches in height and provided with a water filter system shall be included. Farm ponds and/or lakes are not included, providing that swimming was not the primary purpose for their construction. [*Ord. 215*]

Swimming pool, commercial–a swimming pool that is open to the general public for an entrance fee or where a membership is required to gain access. Off-street parking is required and shall comply with the regulations specified in Part 13. Booths and other structures used for the collection of admission shall be arranged to prevent vehicle back-ups. [*Ord. 215*]

Swimming pool, noncommercial–a swimming pool intended to be used solely for the enjoyment of the legal occupants of the property where the pool is located and their guests and where no entrance fee or membership is required. [*Ord. 215*]

Tavern–an establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food, but no outdoor live entertainment shall be permitted.

Theater–see definition for "cinema."

Townhouses–a building containing between three and eight dwelling units arranged in a side-by-side configuration with two or more common party walls.

Uniform Construction Code–the Statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new and existing construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to new residential and commercial buildings, the Code adopted the International Residential Code (IRC) and the International Building Code (IBC) by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. The Code adopted the International Existing Building Code (IEBC) by reference as the standard applicable to existing buildings and historic buildings.

Use–the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use, accessory–a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Use, by right–a use permitted in a zoning district without the need for a special exception, variance, or conditional use approval.

Use, nonconforming–see definition for "nonconforming use."

Use, principal–the main or primary purpose for which any land, structure, building or use thereof is designed, arranged or intended, or for which they may be occupied, maintained, or utilized under this Chapter. All other structures, building or uses on the same lot, incidental or supplementary thereto and permitted under this Chapter, shall be considered secondary uses.

Use, temporary–a use established for a fixed period of time with the intent to

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discontinue such use upon the expiration of the time period.

Use and occupancy permit–a permit issued by the Zoning Officer certifying a use's compliance with information reflected on the building permit and this Chapter.

Variance–an approved modification of the provisions of this Chapter for a particular property as granted by the Zoning Hearing Board, and as provided in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

Vehicle, minor repairs–incidental body and fender work; minor painting and upholstering service. The replacement of any part or repair of any part that does not require removal of the engine hear or pan, engine transmission or differential; applies to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

Vehicle / trailer–every device in, upon or by which any person or property is or could be transported or drawn over land, except devices used exclusively upon rails or tracks.

Vehicular wash facility (car wash)–a building on a lot, designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for automobile service stations.

Veterinarian's office–a building used primarily for the treatment and evaluation by a veterinarian of animals. No outdoor boarding of animals is permitted.

Warehouse–a building where wares, goods, or raw materials are stored as before distribution to retailers, or are kept in reserve.

Watercourse–a permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

Watershed–all the land from which water drains into a particular watercourse.

Wetlands–those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytes typically adapted for life in hydric soil conditions, including swamps, marshes, bogs and similar areas. The term includes, but is not limited to, wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan, and any areas designated as wetlands by the United States Army Corps of Engineers, a river basin commission, or the municipality.

Yard–the unobstructed open space on a lot around a building. For this Chapter, porches and car porch shall be considered a part of the building. Normal overhanging eaves, gutters and cornices shall not be considered and infringement of the yard requirements.

Yard, front–see "setback, front."

Yard, rear–see "setback, rear."

Yard, side–see "setback, side."

Zoning–the designation of specified districts within a community reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

Zoning Hearing Board–the official municipal body having jurisdiction to render final adjudications in accordance with this Chapter and the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

Zoning Map–the officially adopted Zoning Map of the Borough, together with all amendments thereto subsequently adopted.

Zoning Officer–the duly constituted municipal official or their authorized representative designated to administer and enforce this Chapter in accordance with its literal terms.

Zoning Ordinance–the Christiana Borough Zoning Ordinance.

Zoning permit–a written statement issued by the Zoning Officer, or authorized representative, authorizing buildings, structures or uses consistent with the terms of this Chapter and for the purpose of carrying out and enforcing its provision.

(*Ord. 211*, 1/4/2010, §201; as amended by *Ord. 215*, 1/3/2012, §§1–10)

Appendix 27-2-A

STANDARD ANIMAL WEIGHTS USED TO CALCULATE ANIMAL EQUIVALENT UNITS TO IDENTIFY CONCENTRATED ANIMAL OPERATIONS

Type of Animal	Standard Weight (lb) during production (range)
Swine	
Nursery pig	30 (15-45)
Finishing pig	145 (45-245)
Gestating sow	400
Sow and litter	470
Boar	450
Beef	
Calf: 0-8 mo.	300 (100-500)
Finishing: 8-24 mo.	850 (500-1,200)
Cow	1,150
Veal	
Calf: 0-16 wk.	250 (100-400)
Poultry	
Layer: 18-65 wk.	3.25 (2.75-3.76)
Layer: 18-105 wk.	3.48 (weighted avg.)
Layer,	
brown egg: 20-65 wk.	4.3 (3.6-5)
brown egg: 20-105 wk.	4.63 (weighted avg.)
Pullet: 0-18 wk.	1.42 (0.08-2.75)
Broiler,	
large 0-57 days	3.0 (0.09-5.9)
medium: 0-43 days	2.3 (0.09-4.5)
Roaster	3.54 (0.09-7)
Male: 0-8 wk.	
Female: 0-10 wk.	
Turkey,	
tom: 0-18 wk.	14.1 (0.12-28)
hen: 0-14 wk.	7.1 (0.12-14)
Duck: 0-43 days	3.56 (0.11-7)
Guinea: 0-14 to 24 wk	1.9 (0.06-3.75)
Pheasant: 0-13-43 wk.	1.53 (0.05-3)
Chukar: 0-13-43 wk.	0.52 (0.04-1)
Quail: 0-13-43 wk.	0.26 (0.02-0.5)
Dairy	
Holsein/Brown Swiss	
Cow	1,300
Heifer: 1-2 yr.	900 (650-1,150)
Calf: 0-1 yr.	375 (100-650)
Bull	1,500
Ayrshire/Guernsey	
Cow	1,100
Heifer: 1-2 yr.	800 (575-1,025)
Calf: 0-1 yr.	338 (100-575)
Bull	1,250
Jersey	
Cow	900
Heifer: 1-2 yr.	600 (400-800)
Calf: 0-1 yr.	225 (50-400)
Bull	1,000
Sheep	
Lamb: 0-26 wk.	50 (10-90)
Ewe	150
Ram	185
Goat	
Kid: 0-10 mo.	45 (5-85)
Doe	125
Buck	185
Horse	
Foal: 0-6 mo.	325 (125-625)
Yearling	750 (625-875)
Non draft breeds, mature	1,000
Draft breeds, mature	1,700

Type of Animal	Standard Weight (lb) during production (range)

Part 3

Designation of Districts

§27-301. Zoning Districts.

1. For the purpose of this Chapter, Christiana Borough is hereby divided into zoning districts which shall be designated as follows:

A. (CN) Conservation District.

B. (FP) Floodplain Overlay.

C. (LDR) Low Density Residential.

D. (MDR) Medium Density Residential.

E. (HDR) High Density Residential.

F. (CBD) Central Business District.

G. (LB) Light Business.

(*Ord. 211*, 1/4/2010, §300)

§27-302. Zoning Map.

The boundaries of the CN, FP, LDR, MDR, HDR, CBD, and LB Districts shall be as shown upon the map attached to and made a part of this Chapter which shall be designated "Zoning Map." The said Map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

(*Ord. 211*, 1/4/2010, §301)

§27-303. District Boundaries.

1. The boundaries between districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.

2. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.

3. Where district boundaries are not clearly fixed by the above methods, they shall be determined by the use of the scale of the Zoning Map.

4. Should any other uncertainty exist, the Zoning Hearing Board shall interpret the intent of this Chapter and Map as to the exact location of district boundaries.

5. When a CN, FP, LDR, MDR, HDR, CBD, LB District boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than 50 feet beyond the district line.

(*Ord. 211*, 1/4/2010, §302)

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Part 4

(CN) Conservation District

§27-401. Purpose and Intent.

The (CN) Conservation District is designed to protect areas in the Borough for the preservation and conservation of the natural environment; permit and encourage the retention of forested and open land; and permit non-intensive land uses in order to constitute a harmonious and appropriate part of the physical development of the Borough.

(*Ord. 211*, 1/4/2010, §400)

§27-402. Permitted Uses and Structures.

1. Public and private conservation areas and structures for the conservation of open land, water, soil and wildlife resources and historic preservation.

2. Public park and recreation areas and facilities, game refuges and similar non-intensive uses.

3. Public utility and communication uses.

4. Municipal buildings and facilities, including, emergency services facilities, sewage and water pumping stations, reservoirs and similar structures in accordance with applicable floodplain management regulations contained in *Ord. 196*, 4/5/2005, and *Ord. 197*, 6/7/2005 [Chapter 8].

5. Public and private camps, camping grounds and facilities.

6. Signs, when erected and maintained in accordance with Part 14 herein.

(*Ord. 211*, 1/4/2010, §401)

§27-403. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Recreational facilities, subject to the provisions of §27-1101.S of this Chapter.

B. Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

C. Other principal uses determined by the Zoning Hearing Board to be of the same general character as those permitted and special exception uses and which will not be more detrimental than any permitted uses.

(*Ord. 211*, 1/4/2010, §402; as amended by *Ord. 215*, 1/3/2012, §11)

§27-404. Height Regulations. (Except as modified by §27-1104.)

1. The height of a building shall not exceed 35 feet.

2. The height of an accessory building shall not exceed 25 feet.

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(*Ord. 211*, 1/4/2010, §403)

§27-405. Lot Area, Lot Width, and Impervious Coverage Regulations.

Lot area, lot width and impervious coverage requirements of not less than the following, dimensions shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District:

A. *Lot Area*. Lot area shall be based upon required setbacks, coverage, parking, and loading/unloading area standards, but in no instance shall be less than 20,000 square feet.

B. *Lot Width*. The minimum lot width shall be not less than 100 feet.

C. *Impervious Coverage*. Impervious coverage shall not exceed 30 percent.

(*Ord. 211*, 1/4/2010, §404)

§27-406. Setback Regulations.

The following setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. Front yard–25 feet. Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be construed shall be provided in accordance with §27-1105, herein.

B. Side yards–20 feet.

C. Rear yard–25 feet.

D. For permitted yard reductions refer to Part 11 herein.

(*Ord. 211*, 1/4/2010, §405)

§27-407. Off-Street Parking/Access.

Parking and access shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §406)

§27-408. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §407)

Part 5

(LDR) Low Density Residential District

§27-501. Purpose and Intent.

The purpose of the (LDR) Low Density Residential District is to provide for the lowest density residential areas in the growth area. The Low Density District intends to provide for open space development, particularly in areas with environmental constraints.

(*Ord. 211*, 1/4/2010, §500)

§27-502. Permitted Uses and Structures.

1. Church/house of worship and related uses.
2. Single-family dwelling.
3. Emergency service structure.
4. Forestry, subject to the provisions of §27-1101.I of this Chapter.
5. Library.
6. Manufactured home dwelling.
7. No-impact home based business.
8. Retirement and convalescent home, subject to the provisions of §27-1101.U of this Chapter.
9. Swimming pool, noncommercial, subject to the provisions of §27-1101.S(2) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §501; as amended by *Ord. 215*, 1/3/2012, §12)

§27-503. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Dawdy house, subject to the provisions of §27-1101.F of this Chapter.

B. ECHO house, subject to the provisions of §27-1101.F of this Chapter.

C. Professional occupation, subject to the provisions of §27-1101.R of this Chapter.

D. Roadside stand, subject to the provisions of §27-1101.V of this Chapter.

E. School, subject to the provisions of §27-1101.W of this Chapter.

F. Storage facility, subject to the provisions of §27-1101.Y of this Chapter.

G. Museum, subject to the provisions of §27-1101.N of this Chapter.

H. Seasonal residence.

I. Recreational facility, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

J. Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of

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this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §502; as amended by *Ord. 215*, 1/3/2012, §§13, 14)

§27-504. Conditional Uses. (See §27-1707)

The following conditional uses may be permitted by the Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11 herein.

A. Cluster, subject to the provisions of §27-1101.B of this Chapter.

(*Ord. 211*, 1/4/2010, §503)

§27-505. Height Regulations.

1. The height of a building shall not exceed 35 feet, except as modified by Part 11, §27-1104.

2. The height of an accessory building shall not exceed 25 feet.

(*Ord. 211*, 1/4/2010, §504)

§27-506. Lot Area, Lot Width, and Impervious Coverage Regulations.

Lot area, lot width and impervious coverage requirements shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District as follows, unless otherwise specified herein:

A. *Lot Area*.

(1) *LDR District*.

(a) Residential detached dwelling–minimum of 23,000 square feet.

(b) Nonresidential uses–lot area shall be based upon required setbacks, coverage, parking and loading/unloading standards, but in no instance shall be less than 23,000 square feet.

B. *Lot Width*.

(1) *LDR District*.

(a) Minimum lot width–100 feet.

C. *Impervious Coverage*. Maximum impervious coverage of 50 percent.

(*Ord. 211*, 1/4/2010, §505)

§27-507. Setback Regulations.

The flowing minimum setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. *Permitted Uses*.

(1) Front yard–30 feet. Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Part 12.

(2) Side yards–15 feet.

(3) Rear yards–25 feet.

B. *Accessory Buildings and Structures*. Shall provide front, side and rear

yards in accordance with §27-1105 herein.

C. Where required, buffer yards/screening shall be provided in accordance with §27-1106 herein.

D. For permitted yard requirement reductions refer to Part 11 herein, §27-1105.

(*Ord. 211*, 1/4/2010, §506)

§27-508. Off-Street Parking/Access.

Parking and access shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §507)

§27-509. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §508)

Part 6

(MDR) Medium Density Residential District

§27-601. Purpose and Intent.

The purpose of the (MDR) Medium Density Residential District is to accommodate single-family development with both public water and sewer. The District promotes open space development, particularly in areas with environmental constraints.

(*Ord. 211*, 1/4/2010, §600)

§27-602. Permitted Uses and Structures.

1. Bed and breakfast inns.
2. Boarding home.
3. Church/house of worship and related uses.
4. Private club.
5. Day care.
6. Multi-unit dwelling.
7. Single-family dwelling.
8. Duplex.
9. Emergency services structure.
10. Forestry, subject to the provisions of §27-1101.I of this Chapter.
11. Group home.
12. Library.
13. Manufactured home dwelling.
14. No-impact home based businesses.
15. Nursing facility.
16. Park.
17. Townhouse.
18. Swimming pool, noncommercial, subject to the provisions of §27-1101.S(2) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §601; as amended by *Ord. 215*, 1/3/2012, §15)

§27-603. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Museum, subject to the provisions of §27-1101.N of this Chapter.

B. Roadside stand, subject to the provisions of §27-1101.V of this Chapter.

C. School, subject to the provisions of §27-1101.W of this Chapter.

D. Storage facility, subject to the provisions of §27-1101.Y of this Chapter.

E. Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

F. Dawdy house, subject to the provisions of §27-1101.F of this Chapter.

G. ECHO housing, subject to the provisions of §27-1101.F of this Chapter.

H. Professional occupation, subject to the provisions of §27-1101.R of this Chapter.

I. Recreational facility, subject to the provisions of §27-1101.S of this Chapter.

J. Retirement and convalescent home, subject to the provisions of §27-1101.U of this Chapter.

(*Ord. 211*, 1/4/2010, §602; as amended by *Ord. 215*, 1/3/2012, §16)

§27-604. Conditional Uses.

The following conditional use may be permitted by the Borough Council, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 17, herein:

A. Cluster, subject to the provisions of §27-1101.B of this Chapter.

(*Ord. 211*, 1/4/2010, §603)

§27-605. Height Regulations.

1. The height of a building shall not exceed 35 feet, except as modified by §27-1104.

2. The height of an accessory building shall not exceed 25 feet.

(*Ord. 211*, 1/4/2010, §604)

§27-606. Lot Area, Lot Width, and Impervious Coverage Regulations.

The minimum lot area per dwelling unit, minimum lot width, and maximum impervious coverage shall be not less than that indicated below, unless otherwise specified herein:

A. *Residential Uses*.

Dwelling Type	Lot Area Per Dwelling Unit (square feet)	Lot Width (feet)	Impervious Coverage (percentage)
Single-family dwelling	10,000	60	60
Duplex	3,500	30	40
Multi-unit dwelling	2,500	60	50
ECHO unit or dawdy house	2,500	60	50
Manufactured dwelling	7,000	60	40

2. *Nonresidential Uses*.

A. *Lot Area*. For a permitted nonresidential use, the lot area shall be based

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upon required setbacks, coverage, parking and loading/unloading standards, but in no instance shall be less than 7,000 square feet.

B. *Lot Width*. Sixty feet.

C. *Impervious Coverage*. Fifty percent, unless otherwise specified within Part 11 herein.

(*Ord. 211*, 1/4/2010, §605)

§27-607. Setback Regulations.

The following minimum setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. *Permitted Uses*.

(1) Front yard–25 feet. Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with Part 11, §27-1105, herein.

(2) Side yard–8 feet (excluding multi-unit dwellings and/or attached dwellings).

(3) Rear yard–25 feet (excluding multi-unit dwellings and/or attached dwellings).

(4) Multi-unit and/or attached dwellings of one or two stories, there shall be perimeter yards of not less than 25 feet. For each story over two, 5 feet of width or depth shall be added to each yard. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated on the taller of the structures.

B. *Accessory Buildings and Structures*. Shall provide front, side and rear yards in accordance with §27-1105 herein.

(1) Where required, buffer yards/screening shall be provided in accordance with §27-1106 herein.

(2) For permitted yard requirement reductions refer to §27-1105.

(*Ord. 211*, 1/4/2010, §606)

§27-608. Off-Street Parking/Access.

Parking and access shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §607)

§27-609. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §608)

Part 7

(HDR) High Density Residential District

§27-701. Purpose and Intent.

The purpose and intent of the (HDR) High Density Residential District is to accommodate higher development density needs with public sewer and water. A wide range of housing types are encouraged with densities exceeding those permitted elsewhere. The District promotes open space development, particularly in areas with environmental constraints.

(*Ord. 211*, 1/4/2010, §700)

§27-702. Permitted Uses and Structures.

1. Boarding home.
2. Church/house of worship and related uses.
3. Private club.
4. Day care center.
5. Day care.
6. Multi-unit dwelling.
7. Single-family dwelling.
8. Duplex.
9. Townhouse.
10. Emergency services structure.
11. Forestry, subject to the provisions of §27-1101.I of this Chapter.
12. Group home.
13. Home occupation, subject to the provisions of §27-1101.K of this Chapter.
14. Library.
15. Manufactured home dwelling.
16. No-impact home based business.
17. Park.
18. Professional occupation, subject to the provisions of §27-1101.O.
19. Nursing facility.
20. Swimming pool, noncommercial, subject to the provisions of §27-1101.S(2) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §701; as amended by *Ord. 215*, 1/3/2012, §17)

§27-703. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Roadside stand, subject to the provisions of §27-1101.V of this Chapter.

B. Funeral home, subject to the provisions of §27-1101.H of this Chapter.

C. Dawdy house, subject to the provisions of §27-1101.F of this Chapter.

D. ECHO housing, subject to the provisions of §27-1101.F of this Chapter.

E. Mobile home.

F. Professional occupation.

(*Ord. 211*, 1/4/2010, §702)

§27-704. Height Regulations.

1. The height of a building shall not exceed 40 feet except as modified by §27-1104.

2. The height of an accessory building shall not exceed 25 feet.

(*Ord. 211*, 1/4/2010, §703)

§27-705. Lot Area, Lot Width, and Impervious Coverage Regulations.

The minimum lot area per dwelling unit, minimum lot width, and minimum impervious coverage requirements shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District as follows, unless otherwise specified herein:

A. *Residential Uses*.

Dwelling Type	Lot Area Per Dwelling Unit (square feet)	Lot Width (feet)	Impervious Coverage (percentage)
Single-family	5,000	50	60
Duplex	3,000*	30*	50
Townhouse	2,000*	25*	50
Multi-unit	2,500*	50*	50
ECHO or dawdy house	2,500*	60	50

*per building

2. *Nonresidential Uses*.

A. *Lot Area*. For a permitted nonresidential use, the lot area shall be based upon required setbacks, coverage, parking and loading/unloading standards, but in no instance shall be less than 5,000 square feet.

B. *Lot Width*. Fifty feet.

C. *Impervious Coverage*. Fifty percent, unless otherwise specified within Part 11 herein.

(*Ord. 211*, 1/4/2010, §704)

§27-706. Setback Regulations.

The following minimum setback regulations apply to all uses permitted within this

District unless otherwise specified herein.

A. *Permitted Uses*.

(1) Front yard–25 feet. Exception: Where buildings exist in the same block on either side of street, the setback line of the building to be constructed shall be provided in accordance with §27-1105.C, herein.

(2) Side yard–8 feet (excluding multi-unit dwellings and/or attached dwellings).

(3) Rear yard–25 feet (excluding multi-unit dwellings and/or attached dwellings).

(4) For multi-unit dwellings and/or attached dwellings of one or two stories, there shall be perimeter yards of not less than 25 feet. For each story over two, 5 feet of width or depth shall be added to each yard. When adjacent structures differ in the number of stories, the required distance between structures shall be calculated in the taller of the structures.

B. *Accessory Buildings and Structures*. Shall provide front, side, and rear yards in accordance with §27-1105 herein.

C. Where required, buffer yards/screening shall be provided in accordance with §27-1106 herein.

D. For permitted yard requirement reductions refer to §27-1105 herein.

(*Ord. 211*, 1/4/2010, §705)

§27-707. Off-Street Parking/Access.

Parking and access shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §706)

§27-708. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §707)

Part 8

(CBD) Central Business District

§27-801. Purpose and Intent.

The purpose of the (CBD) Central Business District is to recognize the Borough core as a special place to start new neighborhood businesses and services, and to grow existing businesses and services. To provide flexibility with a mixture of uses for compatible residential, institutional, historical, commercial, and office uses in the downtown core of the Borough. To establish standards designed to minimize traffic congestion, promote pedestrian access, and provide adequate buffers to adjacent areas. The uses in this District must have public water and public sewer if capacity is available.

(*Ord. 211*, 1/4/2010, §800)

§27-802. Permitted Uses and Structures.

1. Amusement arcade, subject to the provisions of §27-1101.A of this Chapter.
2. Bed and breakfast inns.
3. Boarding home.
4. Church/house of worship and related uses.
5. Cinema.
6. Private club.
7. Community center.
8. Drive-thru establishment, subject to the provisions of §27-1101.T.
9. Multi-unit dwelling.
10. Single-family dwelling.
11. Duplex.
12. Eating establishment, subject to the provisions of §27-1101.T of this Chapter.
13. Financial institution.
14. Forestry, subject to the provisions of §27-1101.I of this Chapter.
15. Garage.
16. Home occupation, subject to the provisions of §27-1101.K of this Chapter.
17. Hotel/motel.
18. Laundry facility.
19. Manufactured home dwelling.
20. Medical center.
21. No-impact home based business.
22. Nursing facility.
23. Office.
24. Park.

25. Parking lot.
26. Personal services.
27. Public utilities.
28. Repair services.
29. Restaurant, subject to the provisions in §27-1101.T of this Chapter.
30. Retail.
31. Salon (barber/beauty) - spa.
32. Shopping center, subject to the provisions in §27-1101.V of this Chapter.
33. Veterinarian's office.

(*Ord. 211*, 1/4/2010, §801)

§27-803. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Convention center, subject to the provisions in §27-1101.D of this Chapter.

B. Flea market, subject to the provisions of §27-1101.G of this Chapter.

C. Health and recreation facility, subject to the provisions of §27-1101.J of this Chapter.

D. Industry, subject to the provisions of §27-1101.M of this Chapter.

E. Manufacturing, subject to the provisions of §27-1101.M of this Chapter.

F. Parking garage, subject to the provisions of §27-1101.P of this Chapter.

G. Personal care home, subject to the provisions of §27-1101.Q of this Chapter.

H. Roadside stand, subject to the provisions of §27-1101.V of this Chapter.

I. Storage facility, subject to the provisions of §27-1101.Y of this Chapter.

J. Tavern, subject to the provisions of §27-1101.Z of this Chapter.

K. Funeral home, with or without a crematoria, subject to the provisions of §27-1101.H of this Chapter.

L. Museum, subject to the provisions in §27-1101.N of this Chapter.

M. Professional occupation, subject to the provisions in §27-1101.R of this Chapter.

N. School, subject to the provisions in §27-1101.W of this Chapter.

O. Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

P. Swimming pool, noncommercial, subject to the provisions of §27-1101.S(2) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §802; as amended by *Ord. 215*, 1/3/2012, §§18, 19)

§27-804. Height Regulations.

1. The height of any building shall not exceed 35 feet except as modified by §27-

1104.

2. The height of an accessory building shall not exceed 25 feet.

(*Ord. 211*, 1/4/2010, §803)

§27-805. Lot Area, Lot Width, and Impervious Coverage Regulations.

The minimum lot area per dwelling unit, minimum lot width, and maximum impervious coverage requirements shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District as follows, unless otherwise specified herein:

A. *Residential Uses*.

Dwelling Type	Lot Area Per Dwelling Unit (square feet)	Lot Width (feet)	Impervious Coverage (percentage)
Single-family	5,000	50	40
Duplex	3,500	60*	60

*per building

B. *Nonresidential Uses*.

(1) *Lot Coverage*. Seventy-five percent.

(*Ord. 211*, 1/4/2010, §804)

§27-806. Setback Regulations.

The following minimum setback regulations apply to all uses permitted within this District unless otherwise specified herein.

A. *Permitted Uses*.

(1) Front yard–25 feet. Exception: Where buildings exist in the same block on either side of the street, the setback line of the building to be constructed shall be provided in accordance with §27-1105, herein.

(2) Side yard–8 feet (excluding multi-unit dwellings and/or attached dwellings).

(3) Rear yard–25 feet (excluding multi-unit dwellings and/or attached dwellings).

B. *Accessory Buildings and Structures*. Shall provide front, side, and rear yards in accordance with §27-1105 herein.

C. Where required, buffer yards/screening shall be provided in accordance with §27-1106 herein.

D. For permitted yard requirements reductions refer to §27-1105 herein.

(*Ord. 211*, 1/4/2010, §805)

§27-807. Off-Street Parking/Access.

Parking and access shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §806)

§27-808. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §807)

Part 9

(LB) Light Business District

§27-901. Purpose and Intent.

The purpose of the (LB) Light Business District is to provide for commercial, office, light manufacturing, and light industrial uses. The uses permitted in this District may or may not need public water and public sewer, depending on the activity.

(*Ord. 211*, 1/4/2010, §900)

§27-902. Permitted Uses and Structures.

1. Automobile sales.
2. Automobile filling/service station.
3. Convenience store.
7. Garage.
8. Greenhouse.
9. Laundry facility.
10. Medical center.
11. Nursing facility.
12. Office.
13. Parking lot.
14. Personal services.
15. Professional occupation, subject to the provisions of §27-1101.R of this Chapter.
16. Public utilities.
17. Recycling center.
18. Repair services.
19. Retail.
20. Vehicular wash facility (car wash).
21. Veterinarian's office.
22. Warehouse.
23. Swimming pool, noncommercial, subject to the provisions of §27-1101.S(2) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §901; as amended by *Ord. 215*, 1/3/2012, §20)

§27-903. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board, following review and comment by the Planning Commission, pursuant to standards and criteria as set forth in Part 11, herein.

A. Hospital, subject to the provisions of §27-1101.L of this Chapter.

B. Nursery, subject to the provisions of §27-1101.O of this Chapter.

C. Parking garage, subject to the provisions of §27-1101.P of this Chapter.

D. Personal care home, subject to the provisions of §27-1101.Q of this Chapter.

E. Research and development laboratory, subject to the provisions of §27-1101.M of this Chapter.

F. Drive-thru or fast food restaurant, subject to the provisions of §27-1101.T of this Chapter.

G. Retirement and convalescent home, subject to the provisions of §27-1101.U of this Chapter.

H. Roadside stand, subject to the provisions of §27-1101.V of this Chapter.

I. Shopping center, subject to the provisions of §27-1101.X of this Chapter.

J. Storage facility, subject to the provisions of §27-1101.Y of this Chapter.

K. Tavern, subject to the provisions of §27-1101.Z of this Chapter.

L. Vehicular body and/or painting shop, subject to the provisions of §27-1101.AA of this Chapter.

M. Drive-thru establishment subject to the provisions of §27-1101.T of this Chapter.

N. Eating establishment subject to the provisions of §27-1101.T of this Chapter.

O. Forestry, subject to the provisions of §27-1101.I of this Chapter.

P. Home occupation, subject to the provisions of §27-1101.K of this Chapter.

Q. Industry, subject to the provisions of §27-1101.M of this Chapter.

R. Manufacturing, subject to the provisions of §27-1101.M of this Chapter.

S. Museum, subject to the provisions of §27-1101.N of this Chapter.

T. Restaurant, subject to the provisions of §27-1101.T of this Chapter.

U. Commercial school, subject to the provisions of §27-1101.W of this Chapter.

V. School, subject to the provisions of §27-1101.W of this Chapter.

W. Vocational-mechanical trade school, subject to the provisions of §27-1101.W of this Chapter.

X. Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §902; as amended by *Ord. 215*, 1/3/2012, §21)

§27-904. Height Regulations.

1. The height of any building shall not exceed 35 feet, except as modified by §27-1104.

2. The height of an accessory building shall not exceed 25 feet.

(*Ord. 211*, 1/4/2010, §903)

§27-905. Lot Area, Lot Width, and Impervious Coverage Regulations.

The minimum lot area per dwelling unit, minimum lot width, and maximum

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impervious coverage requirements shall be provided for each structure or use hereafter erected, established or altered for any use permitted within this District as follows, unless otherwise specified herein:

A. *Lot Area and Lot Width for Permitted Residential Uses*. Shall be provided in accordance with §27-805 herein.

B. *Impervious Coverage*. Fifty percent, unless otherwise specified herein.

(*Ord. 211*, 1/4/2010, §904)

§27-906. Setback Regulations.

The following minimum setback regulations apply to all uses permitted within this District unless otherwise specified herein:

A. *Permitted Nonresidential Uses*.

(1) Front yard–20 feet.

(2) Side yard–15 feet.

(3) Rear yard–25 feet.

B. *Accessory Buildings and Structures*. Shall provide front, side, and rear yards in accordance with §27-1105 herein.

C. Buffer yards/screen plantings shall be provided in accordance with §27-1106 herein.

(*Ord. 211*, 1/4/2010, §905)

§27-907. Off-Street Parking/Access.

Off-street parking/access and loading/unloading shall be provided in accordance with Parts 13 and 15 herein.

(*Ord. 211*, 1/4/2010, §906)

§27-908. Standards.

Nuisance standards and performance standards shall be in accordance with §§27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §907)

Part 10

(FP) Floodplain Overlay

§27-1001. Purpose and Intent.

The (FP) Floodplain Overlay is designed to protect the area in the Borough that are subject to inundation by floodwaters. This inundation could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the health, safety, and general welfare. Overlay zones are a type of resource protection zoning that is superimposed on traditional zoning (i.e., Conservation District) to protect specially recognized values, while still allowing the underlying use in suitable forms.

(*Ord. 211*, 1/4/2010, §1000)

§27-1002. Permitted Uses and Structures.

The following uses are permitted only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; Christiana Borough Floodplain Ordinances [Chapter 8]; and all other applicable provisions of this Chapter.

A. Agriculture and horticulture, all excluding any grading or filling which would cause any increase on flood heights or frequency.

B. Public recreational uses such as parks, play areas, picnic groves, gardens, paved bicycle paths, and hiking trails, all excluding any structures, and excluding and grading or filling which would cause and increase in flood heights or frequency.

C. Stream improvements whose sole purpose is to improve aquatic habitat, and which are approved by the Pennsylvania Game Commission and reviewed by the Lancaster County Conservation District.

D. One or two strand fences.

E. Picnic tables, park benches, fireplaces and grills, and playground equipment, if all anchored to prevent flotation.

F. Elevation, flood proofing and other hazard reduction measures as required by State and Federal regulations that protect existing nonconforming structures and lawfully existing nonconforming uses within structures.

(*Ord. 211*, 1/4/2010, §1001)

§27-1003. Special Exceptions.

The following special exceptions may be permitted by the Zoning Hearing Board following review and comment by the Planning Commission and they are of the same general character as those permitted and which will not be more detrimental than other permitted uses. In all cases, the proposed use must conform with Borough Floodplain Ordinances, [Chapter 8].

A. Erosion and sedimentation control measures, excluding any grading or

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filling provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.

B. A request to enlarge an existing nonconforming building in a Floodplain Overlay, provided the enlargement to the structure is in height only and will not increase the size of the existing building's footprint.

C. A request to enlarge or change any existing nonconforming use in the Floodplain Overlay.

D, Swimming pool, commercial, subject to the provisions of §27-1101.S(1) of this Chapter. [*Ord. 215*]

(*Ord. 211*, 1/4/2010, §1002; as amended by *Ord. 215*, 1/3/2012, §22)

§27-1004. Standards.

Nuisance standards and performance standards shall be in accordance with §27-1102 and 27-1103.

(*Ord. 211*, 1/4/2010, §1003)

Part 11

General Provisions

§27-1101. Regulations.

The following regulations shall supplement the district regulations appearing elsewhere in this Chapter:

A. *Amusement Arcade*. Amusement arcades may be established in accordance with the following provisions:

(1) All activities shall take place within a completely enclosed building.

(2) The arcade shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.

(3) Adequate space shall be provided for each machine so as to allow its use without overcrowding.

(4) Readily visible signs shall be installed, with their location, size, and text shown in plans submitted to the Planning Commission, stating that the use of machines by persons under 16 years of age shall be prohibited during normal school hours, and, where the premises are used primarily for the serving or consumption of alcohol, that the use of video games by persons under the age of 21 is prohibited at all times.

(5) Off street parking shall be provided in accordance with Part 13 herein.

(6) The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the arcade.

(7) A working plan for the clean-up of litter shall be furnished and implemented by the applicant.

B. *Cluster*. Within the Low Density Residential (LDR) and Medium Density Residential (MDR), cluster developments are permitted by conditional use subject to the following criteria:

(1) The minimum area devoted to a cluster development shall be 5 acres.

(2) All units contained within a cluster development shall be served by a public sewer system if available or community sewer system if public sewer is not available and a community water supply or public water utilities.

(3) *LDR Lot Design Requirements*.

(a) Single-family dwelling:

1) 10,000 square feet minimum lot area.

2) 60 feet minimum lot width.

3) 50 percent maximum impervious coverage.

4) 5 feet minimum, 25 feet maximum front yard, 10 feet minimum side yard.

(4) *MDR Lot Design Requirements*.

(a) Single-family dwelling:

1) 7,000 square feet minimum lot area.

2) 60 feet minimum lot width.

3) 60 percent maximum impervious coverage.

4) 5 feet minimum, 25 feet maximum front yard, 10 feet minimum side yard.

(b) Duplex:

1) 3,500 square feet minimum lot area.

2) 30 feet minimum lot width per unit.

3) 50 percent maximum impervious coverage.

4) 5 feet minimum, 25 feet maximum front yard, 10 feet minimum side yard.

(c) Townhouse:

1) No grouping shall contain more than 8 units.

2) No more than 4 units shall have identical roof lines (front facades).

3) 2,500 square feet minimum lot area.

4) 18 feet minimum lot width.

5) 65 percent maximum impervious coverage.

6) 5 feet minimum, 25 feet maximum front yard. If more than 4 units are grouped, no more than 60 percent of the units shall have the same front yard setback; the minimum variation of setback shall be at least 2 feet.

7) 10 feet minimum side yard for end units.

8) If a mixture of housing types occur on the same lot, the greater separation distance will be provided between each building type.

(5) At least 30 percent of the cluster development site shall be devoted to common open space. Required open space shall be designed and arranged to achieve at least two of the following objectives and the applicant shall demonstrate those specific measures employed to achieve these objectives:

(a) Protection of natural resources.

(b) Protection of historical and/or archaeological sites that are conveniently accessible to the residents.

(c) Provision of usable play and recreation areas that are conveniently accessible to residents within the cluster development and the Borough.

(6) An essential element of the cluster development application is a written description and plan for the disposition of ownership of common open space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed. The common open

space shall be accomplished through one of the following:

(a) An offer of dedication to the Borough. The Borough shall not be obliged to accept dedication of the common open space.

(b) With permission of the Borough, and with appropriate deed restrictions in favor of the Borough and in language acceptable to the Borough Solicitor, the developer may transfer ownership of the common open space or a portion thereof to a private, non-profit organization, among whose purposes is the preservation of open space land and/or natural resources, historical and archaeological sites. The organization shall be a bona fide conservation organization with a perpetual existence, the conveyance must contain appropriate provision for reverting or transfer if the organization is unable to maintain the land, and the organization must enter into a maintenance agreement with the Borough.

(c) The developer shall provide for, and establish, an organization for the ownership and maintenance of the common open space which shall be generally consistent with the requirements for unit owners, associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3101 *et seq*., as amended, and the Uniform Planned Community Act, 68 Pa.C.S.A. §5101 *et seq*., as amended. If such an organization is created, the agreements of sale and deeds for all lots shall contain the following requirements in language acceptable to the Borough Solicitor:

1) Such organization shall not dispose of the common open space by sale or otherwise except to the Borough unless the Borough has given prior written approval. Such transfer shall be made only to another organization which shall maintain the common open space in accordance with this Chapter.

2) The organization and all lot owners shall enter into a maintenance agreement with the Borough and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended, relating to the maintenance of common open space by municipalities.

3) The Borough shall require the establishment of a reserve fund to provide for maintenance of capital improvements to the common open space.

C. *Antennas, Communications Tower and Communications Equipment Building*. Antennas and communications towers may be established in accordance with the following provisions:

(1) *Residential*. Antennas and satellite dishes shall be permitted as accessory structures provided that:

(a) No such antenna shall be located in any front yard.

(b) No part of any freestanding satellite dish or antenna shall be located any closer than 10 feet to any property line.

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(2) *Other*. Other radio and television antennas, subject to licensing and/or regulation by the Federal Communication Commission, shall be permitted as accessory structures; provided, that:

(a) Antennas and associated structures, which do not exceed 30 feet in height, shall be located at least 15 feet from any property line. Antennas, which exceed 30 feet in height, shall provide an additional 1 foot of distance for every 1 foot of height in excess of 30 feet.

(b) The antenna and associated structures shall be securely anchored in a fixed position on the ground and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other forces.

(c) The antenna and its associated supports, such as guy wires, or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated supports and guy wires shall not be located any closer than 5 feet to any property line.

(d) Whenever it is necessary to install an antenna near power lines, or where damage would be caused by its falling, an additional safety wire must be attached to the antenna mast or tower and secured in a direction away from the hazard. Antennas and guy wires must be kept at least 4 feet clear of telephone or electric wires.

(e) Every antenna must be adequately grounded for protection against a direct strike of lightning, with a ground wire of appropriate design. Ground wires shall be of the type approved for grounding masts and lightning arresters, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least 2 inches from combustible materials. Lightning arresters, approved by the Underwriters Laboratories, Inc., shall be used. Both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.

(f) In granting the use, the Zoning Hearing Board may attach reasonable conditions warranted to protect the public health, safety, and welfare, including, but not limited to, fencing, screening, and increased setbacks.

D. *Convention Center*. Convention centers may be established in accordance with the following provisions:

(1) The facility shall be served with public sanitary sewer and public water facilities.

(2) Sufficient off-street parking shall be provided to prevent traffic that is utilizing the facility from backing onto public streets, as provided in Part 13.

(3) The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility.

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(4) All outdoor storage, parking, and loading areas shall be screened from adjoining properties that are within a residential zoning district.

(5) The facility shall comply with all other applicable regulations of this and other Borough ordinances, including but not limited to the requirements for landscaping, off-street parking, and signage.

E. *Crematoria*. Crematoria may be established as a special exception in the (CBD) Central Business District, in accordance with the following provisions:

(1) The structure must be at least 500 feet from the nearest residentially zoned property.

(2) The facility, using certified and properly installed equipment, must meet all State and Federal regulations and is subject to the provisions of §27-1101.H of this Chapter.

(3) A proposed crematoria would require a special review, by the Zoning Hearing Board, including neighborhood notification and public meetings.

F. *ECHO House/Dawdy House*. ECHO houses/dawdy house may be established in accordance with the following provisions:

(1) The ECHO house/dawdy house must be added on and not be a conversion.

(2) Upon proper installation of an ECHO/dawdy house, the Borough shall issue a temporary ECHO permit. The permit shall expire 12 months from the issue date and may be renewed annually by the Zoning Officer to determine if the original conditions are being met in order to renew the permit. Such permit shall be reviewed by the Zoning Officer every 12 months until such time as the ECHO house is required to be removed. A fee, in an amount to be set by the Borough, shall be paid by the landowner upon each renewal of the temporary building permit. Such fee shall be based upon the cost of the annual review of the permit.

(3) The owner(s) of the lot in which the ECHO house/dawdy house is located shall occupy at least one of the dwelling units on the premises and be related by blood, marriage, or adoption to the elderly, handicapped, or disabled person needing the ECHO house/dawdy house.

(4) The ECHO house/dawdy house shall be installed and located only in the side or rear yards, and shall conform to all side and rear yard set back requirements for principal uses.

(5) The design and size of the ECHO/dawdy house conforms to all applicable State and Borough standards and codes including, but not limited to, Pennsylvania Department of Labor and Industry regulations.

(6) The ECHO house/dawdy house shall be no more than 30 percent of the existing dwelling units total floor space.

(7) A minimum of one off-street parking space with unrestricted access shall be provided for the ECHO house/dawdy house in addition to the off-street parking required for the principal dwelling as referenced in Part 13.

(8) The ECHO house/dawdy house shall be occupied by a maximum of two people.

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(9) Sewage disposal, water supply, and all other utilities serving the ECHO house/dawdy house shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility standards. Cable utilities are exempt for this requirement.

G. *Flea Market*. Flea markets may be established in accordance with the following provisions:

(1) The retail sales area shall be defined as the area of the smallest rectangle or other regular geometric shape that encompasses all display stands, booths, tables, or stalls, plus all adjoining aisles and walkways from which consumers may inspect items for sale. The retail sales area shall include all indoor and outdoor areas as listed.

(2) The retail sales area shall be set back at least 50 feet from all property lines and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

(3) In addition to the requirements of Part 13, off-street parking shall be provided at the rate of one space per 200 square feet of retail sales area, and shall be designed and used in accordance with this Chapter.

(4) Off-street loading shall be provided as otherwise required by this Chapter for retail sales operations. The retail sales area, as defined above, shall be used to calculate the required number of loading spaces.

(5) The outdoor display and sale of merchandise shall not be permitted later than 1 hour prior to dusk.

(6) Any exterior public address system shall be arranged and designed to prevent objectionable impact on adjoining properties.

(7) Trash receptacles shall be provided for all outdoor retail sales area(s) and shall be routinely emptied as frequently as necessary to prevent the scattering of litter and debris. All application for this use shall include a plan for the clean-up of litter.

H. *Funeral Home*. Funeral homes may be established in accordance with the following conditions:

(1) Off-street parking shall be provided as regulated in Part 13.

(2) Funeral homes with or without a crematory shall comply with all Federal, State and Borough regulations.

(3) Adequate off-street space must be available for the loading and unloading needs of the facility.

I. *Forestry*. Forestry shall address and comply with the requirements of all applicable State regulations including, but not limited to, the following:

(1) Erosion and sedimentation control regulations contained in Title 25, Pennsylvania Code, Chapter 102, as amended, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1 *et seq*.). An erosion and sedimentation plan shall be on site and shall be approved by the Lancaster County Conversation District when required.

(2) Stream crossing and wetland protection regulations contained in Title

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25, Pennsylvania Code, Chapter 105, as amended, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 *et seq*.).

(3) Skid trails, skid roads, haul roads, and landing area designs shall be consistent with Pennsylvania Department of Environmental Protection guidelines.

J. *Health and Recreation Facility*. Health and recreation facilities may be established in accordance with the following provisions:

(1) The applicant must furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to noise or loitering outside of the facility.

(2) Any accessory use involving eating or drinking or retail sales shall be solely accessible to the public by passing through the main recreation facility building.

(3) All lighting of outdoor recreation areas shall be arranged to prevent glare on adjoining properties and streets.

(4) The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.

K. *Home Occupation*. For the purposes of this Chapter, "home occupation" is distinct from "no-impact home occupations" as noted in the definitions of these terms provided in Part 2 of this Chapter. In the event that the distinction is unclear, the Borough Zoning Officer shall determine if any given activity meets the definition of "home occupation," "no-impact home occupation," or some other kind of use.

Home occupations may be established in accordance with the following provisions:

(1) The home occupation shall be carried on completely within the dwelling unit or accessory building.

(2) There shall be no more than two home occupations on a lot.

(3) Not more than two persons other than the occupants of the dwelling unit shall be employed.

(4) Not more than 25 percent of the floor area of the dwelling unit shall be devoted to a home occupation.

(5) Articles sold or offered for sale shall be limited to those produced on the premises or directly associated with the business.

(6) There shall be no exterior display or sign (except as permitted in the regulation of signs in this Chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.

(7) No offensive noise, vibration, smoke, or other particulate matter, heat, humidity, glare, or other objectionable effects shall be produced.

(8) Off-street parking shall be provided in accordance with the provisions of Part 13 herein.

(9) If the resident conducting the home occupation is a tenant and not the

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owner of the property, the owner shall be party to the permit application for the home occupation.

(10) No explosive or highly combustible materials shall be used or stored on the premise in excess of 25 gallons. All explosive or highly combustible materials shall be stored in an approved container.

(11) The use shall not require the delivery of materials and goods by trucks larger than the standard panel trucks.

(12) A home occupation shall not generate waste products or material of quality or quantity not normally associated with a residential use.

(13) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is serviced by public water or public sewer service, the Zoning Officer may require the applicant to provide confirmation from the service provider(s) that capacity is available for the home occupation.

(14) The person conducting the home occupation shall be a resident of the dwelling.

(15) The home occupation shall comply with all applicable regulations of this and other Borough ordinances, including, but not limited to the requirements for landscaping, off-street parking, and signage.

L. *Hospital*. Hospitals may be established in accordance with the following provisions:

(1) A minimum of 5 acres of contiguous net land area shall be required to accommodate a hospital. The facility shall also comply with the area bulk regulations of the zoning district wherein it is located.

(2) The facility shall be served by public sanitary sewer facilities or by private sanitary sewer facilities approved and permitted by the Borough and the Pennsylvania Department of Environmental Protection. The sanitary sewage disposal shall be consistent with the most recent Act 537 Plan adopted by the Borough.

(3) The facility shall be served by public water supply or by private water supply approved and permitted by the Borough and the Pennsylvania Department of Environmental Protection. The applicant shall demonstrate that the quantity and quality of the water supply source will be sufficient to accommodate the proposed use.

(4) Subordinate uses within the facility shall be limited to those listed below. The cumulative gross floor area for all such subordinate uses shall not occupy more than 20 percent of the total gross floor area of all uses within the accommodating hospital. All independent structures accommodating subordinate uses shall be located at least 50 feet from all property lines and street rights-of-way.

(a) Restaurants and cafeterias.

(b) Administrative, medical, and professional offices.

(c) Retail sales.

(d) Banks and financial institutions.

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(e) Personal care and service establishments.

(f) Meeting facilities.

(g) Adult and child day care facilities.

(h) Recreational uses.

(i) Educational uses.

(j) Religious uses.

(k) Other similar uses as deemed appropriate by the Zoning Hearing Board.

(5) The primary points of ingress and egress to the facility shall be along a collector or arterial street.

(6) All designated points of ingress and egress for emergency vehicles shall be designed and constructed to minimize the effect of traffic on existing streets and adjacent uses by being located on a building wall facing away from adjoining properties.

(7) All means of ingress and egress shall be located away from any intersecting street and shall be designed to accommodate traffic in a safe and efficient manner. The applicant or developer shall be responsible for the purchase and installation of any traffic control devises and the construction of additional acceleration and/or deceleration lanes as may be required by the Pennsylvanian Department of Transportation or the Borough.

(8) All property lines adjacent to LDR, MDR, HDR, or CBD Zoning Districts or to any property in residential use shall be adequately screened and buffered to protect the residential neighborhood form noise, light, and other disturbances.

(9) Unless otherwise required by the utility company or authority providing service, all utility connections shall be installed underground.

(10) Off-street parking and loading spaces shall be provided in compliance with this Chapter. Interior access ways shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of emergency vehicles, busses, and other vehicles shall be designed and constructed so that they may be utilized without interfering with the interior traffic circulation and parking facilities.

(11) Signs shall comply with the requirements of Part 14.

(12) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be air-tight, vermin-proof, and shall be of adequate capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet of any property in residential use or 50 feet of any lot line of any other property.

(13) All medical waste, bio-hazardous materials, discarded equipment, red bag waste, and other similar waste items that by their nature present a health risk to the general public, shall be discarded in accordance with all local, State, and Federal laws.

(14) Evidence shall be provided indicating that all disposals of all materials

and wastes will be in accordance with State and Federal regulations. Such evidence shall, at minimum, include copies of contracts with waste haulers licensed to operate within the county, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect, and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

(15) Only the processing of waste generated on-site is permitted. All processing and storage of waste shall be conducted within a completely enclosed building. No wastes shall be stored on-site more than 7 days. Any incinerator shall be set back by a distance equal to not less than its height from all lot lines. The applicant must demonstrate compliance, through a written statement, and continue to comply with all applicable State and Federal standard regulations.

(16) Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.

(17) All buildings shall be of fire-proof construction with an active sprinkler system.

M. *Industry/Manufacturing/Research and Development Laboratory*. Industry/manufacturing/research and development laboratories may be established in accordance with the following provisions:

(1) Gross floor area shall not exceed 10,000 square feet. The gross amount of floor area which may be used in a building shall be reduced by an amount equal to the square footage area used for outdoor storage of raw materials or finished products.

(2) The applicant shall provide a detailed description of the proposed use with regard to the nature of the on-site processing operations, the materials used in the process, the products produced, and the generation and methods for disposal of any by-products. In addition, the applicant shall furnish evidence that the disposal of material will be accomplished in a manner that complies with State and Federal regulations.

(3) The applicant shall provide a detailed description of the proposed use with regard to the general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

(4) The applicant shall provide a detailed description of the proposed use with regard to any environmental impacts that are likely to be generated (e.g., fly ash, odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable

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levels as regulated by applicable laws and ordinances.

(5) The applicant shall provide a detailed description of the proposed use with regard to a traffic study prepared by a traffic engineer.

(6) All activities and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the BOCA Code and other applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, [Pa.Code,] Rules and Regulations, Pennsylvania Department of Environmental Protection, for storage, handling, and use of explosives, as amended. A list of such solids, liquids, or gases stored on site shall be supplied to the appropriate fire companies serving the Borough.

(7) No direct heat or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. These regulations shall not apply to signs or floodlights of parking areas otherwise permitted by this Chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

(8) There shall be no discharge at any point into any public sewage system or watercourse or into the ground, except in accordance with the standards approved by the Pennsylvania Department of Environmental Protection or other regulating department or agency of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conductive to the breeding of rodents or insects.

(9) There shall be no activity which emits dangerous radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.

(10) All buildings shall be of fire-proof construction with an active sprinkler system.

(11) Exterior storage areas for trash and rubbish shall be properly screened with secured fencing and landscaping materials. All containers shall be air-tight, vermin-proof, and shall be of adequate capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet of any property in residential use or 50 feet of any lot line of any other property.

(12) All medical waste, bio-hazardous materials, discarded equipment, red bag waste, and other similar waste items that by their nature present a health risk to the general public, shall be discarded in accordance with all local, State, and Federal laws.

(13) Evidence shall be provided indicating that all disposals of all materials and wastes will be accordance with State and Federal regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within Lancaster County, which have been contracted to

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dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

N. *Museum*. Museums may be established in accordance with the following provisions:

(1) The facility shall be served with public sanitary sewer and public water facilities.

(2) Off-street parking shall be provided as required in Part 13. In addition to meeting the requirements of off-street parking as stated in Part 13, off-street parking shall be provided, as necessary, to prevent traffic from being delayed while exiting public streets when entering the facility.

(3) The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property line of the facility.

(4) All outdoor storage, parking, and loading areas shall be screened from adjoining properties that are within a residential zoning district.

(5) The facility shall comply with all other applicable regulations of this and other Borough ordinances including, but not limited to, the requirements for landscaping, off-street parking, and signage.

O. *Nursery (Plants)*. Nurseries may be established in accordance with the following provisions:

(1) Outside storage or display shall not occupy any part of the street right-of-way or other area intended or designed for pedestrian use, required parking areas, or yard setbacks.

(2) Outside storage areas shall be shielded from view from the public streets.

(3) There shall be no discharge at any point into any public sewage system or watercourse or into the ground, except in accordance with the standards approved by the Pennsylvania Department of Environmental Protection or other regulating department or agency of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conductive to the breeding of rodents or insects.

(4) Evidence shall be provided indicating that all disposals of all materials and wastes will be accordance with Federal, State and Borough regulations. Such evidence shall, at a minimum, include copies of contracts with waste haulers licensed to operate within the County, which have been contracted to dispose of the materials and wastes used or generated on-site or some other legal means of disposal. The zoning permit for this use shall remain valid only so long as such contracts remain in effect and all materials and wastes are

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properly disposed of on a regular basis. Should the nature of the use change in the future, such that the materials used or wastes generated changes significantly either in type or amount, the owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Section.

P. *Parking Garage*. A parking garage may be established in accordance with the following provisions:

(1) Access should be via an arterial or collector street as designed in the Borough's Comprehensive Plan and/or other planning documents.

(2) All buildings shall be of fire-proof construction and meet State regulations.

Q. *Personal Care Home*. Personal care homes may be established in accordance with the following provisions:

(1) The facility shall be licensed and operated in accordance with applicable Federal, State and Borough laws and regulations and other applicable provisions of this Part.

(2) Proof of compliance to Federal and State fire regulations shall be provided to the Borough on an annual basis.

(3) Signs shall comply with the requirements of Part 14.

(4) Off street parking shall be provided in accordance with Part 13. In addition, off street parking facilities shall provide a minimum of two handicapped parking spaces or 5 percent of the parking spaces required, whichever is greater.

(5) No more than two persons at a time shall reside in any room designated for overnight visits.

R. *Professional Occupation*. Professional occupation facilities may be established in accordance with the following provisions:

(1) The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.

(2) Off-street parking shall be provided in accordance with the provisions of Part 13 herein.

S. (1) *Recreational Facilities and/or Swimming Pools, Commercial*. Recreational facilities and/or swimming pools, commercial, shall not be a permitted use in any zoning district. They may be permitted as a special exception in all districts except High Density Residential (HDR) and may be established in accordance with the following provisions:

(a) If the subject property contains more than 2 acres, it shall front on an arterial or collector road as identified in the Borough Comprehensive Plan.

(b) Those uses involving outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining residential properties.

(c) The applicant shall furnish evidence that the proposed use will

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not adversely impact adjoining properties due to hours of operation, noise, light, litter, dust, and pollution.

(d) Required off-street parking will be determined based upon the types of activities and the schedule proposed. Off-street parking shall comply with the regulations specified in Part 13.

(e) Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backup on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.

(2) *Swimming Pools, Noncommercial*. Shall be a permitted use in any zoning district except Conservation District (CD) and Floodplain and as a special exception in the Central Business District (CBD) and shall comply with the following conditions and requirements:

(a) The pool is intended, and is to be used, solely for the enjoyment of the occupants of the principal use of the property on which it is located, including guests.

(b) Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths shall be considered swimming pools if located outdoors or designed to be located outdoors and are provided with permanent outdoor water plumbing. Hot tubs, whirlpool baths and tubs, and Jacuzzi-type tubs or baths may not be located closer than 5 feet to any property line, nor shall they be nearer to any street line upon which the residence abuts than the existing setback line of the residence. In no case shall they be closer than 15 feet from any street line.

(c) Above-ground pools may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than 5 feet to any property line, nor shall they be nearer to any street line upon which the residence abuts than the existing setback line of the residence. In no case shall it be any closer than 15 feet from any street line.

(d) All swimming pools with a water depth of 48 inches or more, now existing or hereafter constructed, installed, established or maintained, shall be enclosed by a permanent fence of durable material at least 4 feet but not more than 6 feet in height, with the exception of atrium houses, and shall be so constructed as not to have openings, mesh or gaps larger than 4 square inches in any direction. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with a self-latching gate in normal operating condition. The latch must be located at least 4 feet above ground level. All doors from connecting houses or garages must also be self-closing and self-latching.

(e) A dwelling unit, excluding atrium dwellings, or an accessory building may be used as part of such enclosure. However, height requirements for a fence shall not apply to the building.

(f) The provisions regulating fencing shall not apply to pools having sides extending 4 feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to

make it readily inaccessible when not in use.

(g) All materials used in the construction of pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operating in such a manner as to be clean and sanitary at all times.

(h) Water must be de-chlorinated and may not be discharged from a swimming pool unless discharged directly into a storm sewer facility and, in so doing, does not flow onto adjacent properties or right-of-way.

(i) Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.

(j) Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties so that no beam of light, only diffused or reflected light, enters adjoining properties.

[*Ord. 215*]

T. *Restaurant, Drive-Thru or Fast Food*. Drive-thru or fast food restaurant may be established in accordance with the following provisions:

(1) All drive-thru window-lanes shall have at least sufficient space to stack vehicles waiting to order and shall be separated from the right-of-way and parking lot's interior driveway by the use of curbs and/or planting islands.

(2) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

(3) All exterior seating/play areas shall be completely enclosed.

(4) No part of the subject property shall be located within 50 feet of any residentially zoned land.

(5) All exterior trash containers shall be covered.

(6) Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.

U. *Retirement and Convalescent Home*. Retirement and convalescent homes may be established in accordance with the following provisions:

(1) All buildings shall comply with Federal, State and Borough regulations in regard to the Fire Code. Proof of such compliance shall be provided to the Borough on an annual basis.

(2) Sufficient exterior nighttime illumination of the parking area shall be required to provide convenience and safety. All such illumination shall be shielded from view of all surrounding streets and lots.

(3) All permitted uses shall be served by public water and sewer systems.

(4) No persons under the age of 18 shall be permitted to reside in the facility.

(5) Residential units shall contain a maximum of two bedrooms.

(6) Support and retail facilities may be provided but such facilities shall be limited to use by residents and their guests; no outside advertising shall be permitted for such facilities off premises. Permitted retail and support facilities

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shall be limited to barbershops and/or beauty salons, pharmacies, commissaries, newsstands, gift shops, snack bars, coffee shops, thrift shops, handicraft shops, post offices, and dry cleaners.

(7) Other support facilities in the retirement village may include, but shall not be limited to, lounge areas, reading rooms, woodworking rooms, craft rooms, greenhouse/garden facilities for the use of the residents, common dining facilities for the use of the residents, recreational rooms, and chapels.

(8) A nursing facility may be permitted for the temporary or long-term

care of the residents of the retirement home.

(9) The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance, or any other perceptible impact at or beyond the lot line of the facility.

(10) The facility shall be constructed and operated in accordance with applicable Federal, State and Borough laws and regulations.

V. *Roadside Stand*. Roadside stands may be established in accordance with the following provisions:

(1) Roadside stands must be located at least 10 feet from the right-of-way line and shall not create any obstructions to vision or hazards to vehicle traffic on adjacent roads.

(2) Any structure used to display such goods shall not exceed 300 square feet of floor area.

(3) During the non-growing season and seasons when the structure is not open for business on a daily basis, structures not exceeding 32 square feet shall be removed from the roadside.

(4) At least half of all produce and/or plants sold, measured by both value and quantities, must be produced on the premises.

W. *School*. Schools may be established in accordance with the following provisions:

(1) All buildings shall be of fire-proof construction with an active sprinkler system.

(2) All buildings shall be set back at least 100 feet from any LDR, MDR, and HDR Zoning Districts.

(3) No part of a school property shall be located within 1,000 feet of a property containing an adult-related facility (as defined in Part 2).

(4) Passenger drop-off and pick-up areas shall be provided and arranged so that students need not cross traffic lanes on or adjacent to the site.

(5) Off-street parking areas shall be designed to prevent incoming traffic from backing onto public streets. All required parking shall be located on the site of the facility. Parking areas shall be setback a minimum of 25 feet from all street right-of-way and 30 feet form adjoining properties in LDR, MDR, and HDR Zoning Districts.

(6) Sufficient exterior lighting shall be required to provide convenience and safety for people utilizing the facility but shall be arranged to prevent glare on adjoining properties and streets.

(7) The uses shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance, or any other perceptible impact at or beyond the lot line.

(8) All outdoor storage, parking, loading areas shall be screened from adjoining properties in the LDR, MDR, and HDR Zoning Districts.

X. *Shopping Center*. Shopping centers may be established in accordance with the following provisions:

(1) Off street parking spaces shall be provided subject to Part 13.

(2) Both public sewer and public water shall be utilized.

(3) A traffic study shall be submitted by a qualified traffic engineer concerning the adequacy of the existing and/or proposed road system to accommodate increased traffic from the shopping center development.

(4) The shopping center sign shall be subject to Part 14.

Y. *Storage Facility*. Storage facilities may be established in accordance with the following provisions:

(1) The use shall be designed and conducted to comply with all other applicable regulations of this and other Borough ordinances, including, but not limited to, the requirements for lighting, landscaping, off-street parking, and signage.

(2) Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers, boats, and similar large vehicles so long as such external storage area is screened from adjoining residential dwellings and adjoining roads, is located behind the minimum front yard setback line, and are limited to not more than 50 percent of the lot area. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

(3) Storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited.

(4) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, painting, finishing, re-finishing, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.

(5) Storage facilities shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:

(a) Commercial wholesale or retail sales, or garage sales.

(b) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

(c) The operation of power tools, spray-painting equipment, table saws, lathes compressors, welding equipment, kilns, or other similar equipment.

(d) The establishment of a transfer and storage business.

(e) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations (see §27-1103).

The applicant shall adequately demonstrate that all storage facilities rental and/or use contracts shall specifically prohibit these uses.

Z. *Tavern*. Taverns may be established in accordance with the following provisions:

(1) The subject property shall be screened from any adjoining residential dwelling.

(2) The applicant shall furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise, loitering outside the

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building, hours of operation, light, and/or litter.

(3) The use shall be designed and conducted to comply with all other applicable regulations of this and other Borough ordinances including, but not limited to, the requirements for lighting, landscaping, off-street parking, and signage.

AA. *Vehicular Body and/or Painting Shop*. Vehicular body and/or painting shops may be established in accordance with the following provisions:

(1) Ventilation equipment outlets associated with the service and/or repair work areas(s) shall meet all applicable State and Federal air quality standards. Ventilation outlets must be set back at least 50 feet from all property lines or be directed skyward; in no case shall any such outlet be directed toward adjoining residences or residentially-zoned property.

(2) All service activities shall be conducted within a wholly enclosed building.

(3) No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded, as part of the service operation shall be permitted.

(4) All exterior vehicle storage areas shall be screened from adjoining residential dwellings and roads.

(5) All vehicles shall be repaired and remove from the premises within 30 days of arrival.

(6) The demolition or junking of automobiles is prohibited. Demolished vehicles shall be removed from the site within 30 days of arrival.

(*Ord. 211*, 1/4/2010, §1100; as amended by *Ord. 215*, 1/3/2012, §23)

§27-1102. Nuisance Standards.

1. Neither travel trailers nor recreational vehicles shall be used as a permanent residence. Units occupied as living quarters are limited to a term of not more than 30 days. Modular homes are not included in this restriction.

2. Flammable materials or liquids in excess of 25 gallons, other than home heating fuels, cannot be stored in a residentially zoned area.

3. Farm animals, including cows, pigs, chickens (including hens and roosters), ducks, asses, donkeys, goats and sheep shall not be housed or otherwise kept within the Christiana Borough Limits.

4. All trash and garbage must be placed in containers. Garbage placed in a dumpster for collection shall first be placed in a sealed garbage bag to prevent unacceptable odor and/or danger to public health. Where possible, all trash containers and dumpster shall be placed at the rear of the building. No dumpster or trash container shall be permitted to be stored on a lot facing the street. Such dumpster used shall be emptied at least once each week.

5. Refrigerators and living room furniture shall not be stored on the front porch of any residential structure for more than 30 days.

6. In order to prevent hazardous and unsafe traffic conditions within Borough limits of the Borough, large vehicles or sports equipment shall not be parked or placed on Borough streets in accordance with State and Borough regulations. These hazardous

and unsafe traffic conditions are detrimental to the public health, safety and welfare of the residents of the Borough of Christiana and others, impede emergency vehicles (including fire trucks, ambulances, etc.) and interfere with snow removal and the peaceful and quiet enjoyment of the residents of Christiana Borough in their homes and neighborhoods. This prohibition includes, but is not limited to, the following vehicles:

A. Articulated bus.

B. Combination.

C. Construction truck.

D. Driveaway-towaway operation.

E. Farm equipment.

F. Full trailer.

G. House trailer.

H. Limousine (capable of carrying ten or more passengers).

I. Maxi-cube vehicle.

J. Mobile home.

K. Motor home.

L. Recreational trailer.

M. Semi-trailer.

N. Stinger-steered automobile or boat transporter.

O. Tow dolly.

P. Trailer.

Q. Truck-camper.

R. Truck tractor.

S. Boats.

T. Snowmobiles.

U. All-terrain vehicles and similar off-road vehicles.

V. Boat trailers.

W. Tent trailers.

7. Construction and/or heavy equipment, including but not limited to, skid loaders, backhoes, or tow motors shall not be stored in any residential district.

8. Emergency equipment, such as fire trucks and ambulances, responding to emergency calls, are excluded in this prohibition.

9. For the purpose of this Section, "street" shall be defined as any street, road, lane, court, cul-de-sac, alley, path, public way, sidewalk and public square within the Borough Limits of Christiana Borough.

10. Sports equipment shall include portable basketball poles, portable soccer nets, portable hockey nets, skateboard ramps, roller blade ramps, and similar equipment.

(*Ord. 211*, 1/4/2010, §1101)

§27-1103. Performance Standards.

1. All uses proposed within Christiana Borough shall operate in compliance with applicable State and Federal regulations, as they are periodically amended. The following lists known governmental regulations associated with various land use impacts. This list in no way excludes or limits Federal or State jurisdiction over uses within the Borough, but is merely provided for information to applicants and landowners. Noise Pollution and Vibration: "Rules and Regulations" of the Pennsylvania Department on Environmental Resources Protection; Air Pollution, Airborne Emissions and Odor: "Rules and Regulations" of the Pennsylvania Department of Environmental Resources Protection; Water Pollution: The Clean Streams Law, June 22, 1937 P.L. 1987, 35 P.S. 691.1, as amended; Glare and Heat: "Rules and Regulations" of the Pennsylvania Department on Environmental Protection; and, Accessibility: The latest version of the Americans With Disabilities Act.

2. In addition, all uses shall comply with the requirements of this Section. Compliance shall be determined by the Zoning Officer with respect to permitted uses and by the Zoning Hearing Board with respect to special exceptions and conditional uses. In order to assist in the determination whether a proposed use will conform to the requirements of this Chapter, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.

A. *Vibration*. Vibrations detectable without instruments on neighboring properties in any district shall be prohibited, with the exception of temporary vibrations associated with new construction.

B. *Air Pollution*. No pollution of air by fly ash, dust, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property or can cause soiling of property.

C. *Fire and Explosives Protection*. Fire protection and fire fighting equipment acceptable to the Board of Fire Underwriters shall be readily available for any activity involving the handling or storage of flammable or explosive materials.

D. *Glare and Heat*. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. There shall be no emission or transmission of heat or heated air that is discernible at the lot line.

E. *Non-radioactive Liquid or Solid Wastes*. There shall be no discharge at any point into public or private sewage disposal system or stream, or into the ground of any liquid or solid materials except in accordance with the laws and regulations of the United States, Commonwealth of Pennsylvania, Lancaster County and Borough of Christiana.

F. *Radioactivity or Electrical Disturbances*. No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

G. See Borough *Ord. 165*, 11/1/1964, "Noise Control," as amended [Chapter 10, Part 1]. [*Ord. 215*]

H. *Odors*. No malodorous gas or matter shall be permitted which is discernable on any adjoining lot or property with the exception of such odors associated with common farming practices.

I. *Smoke*. The maximum amount of smoke emission permitted shall be

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determined by the use of the Standard Ringlemann Chart issued by the U.S. Bureau of Mines. No smoke of a shade darker than Number 2 shall be permitted.

J. *Erosion*. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

K. *Water Pollution*. Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Resources.

(*Ord. 211*, 1/4/2010, §1102; as amended by *Ord. 215*, 1/3/2012, §24)

§27-1104. Height Regulations.

1. The height of a building may exceed the maximum permitted height by 1 foot for each additional foot by which the combined width of front, rear, and side yards exceeds the minimum yard regulation for the district in which the building is located. Total height shall not exceed the maximum permitted height by more than 15 percent.

2. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy; nor chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental appurtenances.

3. Height is defined as a vertical distance fixed in certain districts contained herein and measured from the average ground level at the base of the structure.

(*Ord. 211*, 1/4/2010, §1103)

§27-1105. Yard Regulations.

1. The front yard depth and the width of the side yard abutting the street shall be measured from a line parallel to, and a distance measured from the center line of the street.

2. *Front Yards*.

A. An accessory building shall not be erected or substantially altered within any front yard.

B. Parking shall not be permitted in front yards in residential districts except on paved driveways.

C. When an unimproved lot is situated in a block with improved lots having front yard dimensions less than those required by the district, the front yard requirements may be reduced to an amount equal to the average of the two improved lots; however, in no case shall the front yard be reduced to an amount less than 50 percent of the required minimum front yard for that distance.

3. *Side Yards*.

A. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Chapter.

B. On a lot in a residential district held in single and separate ownership from adjacent land at the effective date of this Chapter with a lot width less than required for zoning district, only one residential detached dwelling may be erected,

and side yards shall be provided in accordance with the following requirements:

(1) On interior lots with a width of 50 feet or more, two side yards shall be provided as required by the district regulations.

(2) On corner lots with a width of 50 feet or more, two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than that required for the interior side yard. The interior side yard shall be provided as required by the district regulations.

(3) On lots less than 50 feet but not less than 27 feet in width, two side yards shall be provided, each equaling 20 percent of the lot width.

(4) On lots less than 27 feet but not less than 20 feet in width, the building shall be 16 feet in width and only one side yard shall be provided, equaling in width the difference between the lot width and 16 feet. One side wall of the building shall be constructed abutting the lot line without openings but shall not be constructed as a party wall.

(5) On lots less than 20 feet in width, a building shall be constructed the full width of the lot. Side walls abutting the lot line shall have no openings and shall not be constructed to a depth of more than two rooms, a court not less than 6 feet in width shall be provided, abutting the side wall for all rooms beyond the second room.

C. On a lot, in a CB or LB District, held in single and separate ownership from adjacent land at the effective date of this Chapter, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under paragraph .B above for residential structures.

D. Any accessory building may be erected within one of the side yards or within the rear yard provided:

(1) Buildings and/or structures accessory to a residential use shall be located within the rear yard of the principal building or structure no less than 3 feet to any rear or side lot line. Where such side or rear yard is along an alley, the accessory building shall be located not less than 5 feet from the alley. Private garages with entrances fronting an alley shall be located not less than 10 feet from the alley.

(2) On a corner lot in residential districts, an accessory building shall not be erected within the required building setback line of the exterior side lot line (street line). Provided, however, that when the main buildings exist on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance form the street line, established by the existing main buildings.

(3) No side yard setback shall be required where two garages are designed to abut attached dwellings.

(4) Such accessory building shall be not less than 5 feet from the rear of the main building.

(5) Buildings and/or structures accessory to a nonresidential use shall not be located with the required front yard and shall be located no less than 15 feet

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from any lot line.

E. A carport, open on three sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this Part, provided the carport shall be not less than 5 feet from the side lot line.

(*Ord. 211*, 1/4/2010, §1104)

§27-1106. Buffer Yards and Screen Plantings.

1. *Buffer Yards*.

A. Unless otherwise provided, where a commercial or industrial use adjoins a residential district and where a multi-family use adjoins a residential use, a buffer yard of not less than 15 feet in width shall be provided along the lot lines in addition to the yard required for the district in which it is located.

B. If a front yard is provided, the buffer yard may coincide with the front yard.

C. All buffer yard areas shall be planted and maintained with a vegetative material, and where required for multi-family, commercial and industrial uses, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.

D. All buffer yards shall be planted with grass or ground cover, and where required, a dense screen planting. Buffer yards shall be maintained and kept free of all debris and rubbish.

E. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, access roads, service drives, and utility easements not more than 35 feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than 60 degrees.

F. No parking shall be permitted in buffer yards.

G. Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangements of all plant materials to be placed in such buffer yard. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

2. *Screen Plantings*. Screen plantings shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:

A. Plant materials used in screen planting shall be at least 4 feet in height when planted, shall be planted no more than 5 feet apart, and be of such species as will produce, within 3 years, a complete year-round visual screen of at least 6 feet in height.

B. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within 1 year.

C. The screen planting shall be so placed that at maturity it will be not closer than 3 feet from any ultimate right-of-way or property line.

D. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets.

E. The screen planting shall be broken only at points of vehicular or pedestrian access.

F. Trees that shall not be used in planting of buffer yards are:

(1) Poplars–all varieties.

(2) Willows–all varieties.

(3) White or Silver Maple (Acer Saccharinum).

(4) Aspen–all varieties.

(5) Common Black Locust.

(6) Gingko Biloba–all varieties.

(7) Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multi-family, commercial or manufacturing use where the parking or solid waste disposal area abuts a residential zoning district or a lot occupied by a residential use.

(8) Any existing commercial, industrial, or multi-family use shall not be required to comply with the screening requirements except in case of enlargement or exterior alteration of same.

(*Ord. 211*, 1/4/2010, §1105)

§27-1107. Projection in Yards.

Unenclosed ground-story terraces, patios, decks and porches may project into any required yard not more than one-half its required dimension and not more than 10 feet in any case. Chimneys, flues, columns, sills and ornamental architectural features may project not more than 2 feet into a required yard.

(*Ord. 211*, 1/4/2010, §1106)

§27-1108. Obstruction to Vision.

1. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.

2. A clear sight triangle of 25 feet, measured along the street lines of the intersecting street, shall be maintained; within which such structures or planting shall be limited to a height of not more than 3 feet or less than 10 feet above the street grade, except utility poles.

(*Ord. 211*, 1/4/2010, §1107)

§27-1109. Fences and Walls.

1. Fences and walls may be erected, altered and maintained within the yards, excluding required buffer yards, provided that any such fence or wall in the front yard shall not exceed 3½ feet in height; and, any fence or wall in the side or rear yard may be a maximum of 8 feet in height. Furthermore, any fence or wall exceeding 6 feet in height shall contain openings therein equal to 50 percent of the area of that portion of the wall or fence exceeding 6 feet. These standards do not apply to junkyards and

recycling centers.

2. All yards used for the storage of any material needed for the operation or conduct of an industrial, manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or chain link fence in conjunction with a screen planting, or screen planting on all sides which face upon a street or neighboring lot.

3. A fence may be constructed on the property line so long as the adjoining property owner agrees to the fence placement in writing.

(*Ord. 211*, 1/4/2010, §1108)

§27-1110. Space Regulations.

No yard or other space provided around any building or structure for the purpose complying with this Chapter shall be considered as a yard or other open space for another building or structure.

(*Ord. 211*, 1/4/2010, §1109)

§27-1111. Habitable Floor Area.

1. The minimum habitable floor area of a dwelling unit hereafter established, with the exception of manufactured homes constructed in accordance with the Federal Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall be as follows:

A.	Rooming unit (designed for one person)	250 square feet
B.	Efficiency unit	500 square feet
C.	One bedroom	600 square feet
D.	Two bedroom	750 square feet
E.	Three bedroom	900 square feet
F.	Four Bedroom	1,050 square feet
G.	For five or more bedrooms	An additional 150 square feet per bedroom

2. The minimum habitable floor area for units within hotels, motels or other commercial lodging establishments for transients shall be 200 square feet for each room used for sleeping purposes.

(*Ord. 211*, 1/4/2010, §1110)

§27-1112. Control of Traffic and Protection of Public Safety.

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.

(*Ord. 211*, 1/4/2010, §1111)

§27-1113. Reduction of Lot Dimensions.

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller, or so that the coverage is greater than prescribed herein.

(*Ord. 211*, 1/4/2010, §1112)

Part 12

Nonconforming Buildings and Uses

§27-1201. Nonconforming Buildings and Use Regulations.

All lawful uses of land or of a building, sign, or other structure existing on the effective date of this Chapter may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located; provided, such nonconforming conditions shall comply with the following:

A. *Continuation*. The Zoning Officer shall identify all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this Chapter which shall be for the purpose of insuring to the owner the right to continue a nonconforming building use.

B. *Alterations*. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, providing such alterations and repairs are in conformance with the regulations set forth in this Chapter and other applicable codes and ordinances adopted by the Borough.

C. *Extensions or Enlargements*.

(1) The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Chapter:

(a) The extensions of a nonconforming use of land upon a lot occupied by such use.

(b) The extension or enlargement of a conforming building occupied by a nonconforming use.

(c) The extension or enlargement of a nonconforming building occupied by a nonconforming use.

(d) The extension or enlargement of a nonconforming building occupied by a nonconforming use.

(2) The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:

(a) The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side or rear yard, than the original building line extended. Extension or enlargement shall not exceed 33⅓ percent of the existing floor area or use.

(b) Any extensions and/or enlargement will necessitate full compliance with off-street parking and loading spaces as required by Part 13, herein.

(c) The extension or enlargement does not replace a conforming use.

(d) The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this Chapter.

(e) Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing nonconforming use.

D. *Reconstruction/Restoration*. A nonconforming building or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes; provided, that:

(1) The reconstruction and/or restoration of the building is commenced within 1 year from the date of occurrence of the damage and is carried to completion without undue delay.

(2) The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

E. *Discontinuance*. If a nonconforming use or building ceases operations for a continuous period of more than 18 months, then such use and any subsequent use or building shall conform to the regulations of this Chapter.

F. *Nonconforming Signs*. Signs in existence at the effective date of this Chapter or amendments thereto, may be continued subject to the regulations contained in paragraph .E above and Part 14, herein.

(*Ord. 211*, 1/4/2010, §1200)

Part 13

Off-Street Parking

§27-1301. General Parking Regulations.

1. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.

2. Parking spaces and the approaches thereto shall be a paved surface or stabilized surface as approved by the Borough Engineer. For purposes of this Chapter, stabilized surface is hereby defined as an approved all-weather, dustless surface. Outdoor parking spaces shall be deemed to be a part of the open space of the lot on which it is located.

3. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended. The net parking space per vehicle shall be in accordance with §27-1304 herein.

4. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be a part of the open space of the lot on which it is located.

5. All commercial, public and industrial uses shall provided a minimum of one handicapped parking space or 3 percent of the parking spaces required, whichever is greater, the design to be approved by the Borough Engineer.

6. No portion of a required front yard shall be used for parking purposes.

7. Entrances and exits shall be clearly marked and preferred exit routing shall be marked.

8. One-way roads shall be marked on the road surface and with signs.

9. All parking lots containing more than 10 spaces shall have individual parking spaces identified.

10. Entrance and exit arrangements, acceleration and deceleration lanes, and traffic signals may be required depending on the size of the parking lot, anticipated traffic volumes, and the condition of the public roads.

11. No parked vehicles may impede the safe and even flow of traffic.

(*Ord. 211*, 1/4/2010, §1300)

§27-1302. Facilities Required.

1. Any of the following new land uses hereafter erected shall be provided with not less than the minimum parking spaces as set forth below.

Off-Street Parking Space Requirements	
Residential Uses	**Minimum Required Parking Spaces**
Single-family and manufactured homes	2 per dwelling unit
Duplex homes	2 per dwelling unit
Multiple dwellings with:	
1 bedroom	1.50 per dwelling unit
2 bedrooms	2.25 per dwelling unit
3 or more bedrooms	2.75 per dwelling unit
Townhouses	2 per dwelling unit

Nonresidential Uses	**Minimum Required Parking Spaces**
Amusement arcade	1 per 100 square feet of gross floor area plus 1 per employee on duty
Automobile filling station	1 per employee on duty and 1 per pump
Automobile service/repair	4 per service/repair bay plus 1 per employee on service duty
Automobile sales	1 per 400 square feet of indoor gross floor area and 1 per 2,500 square feet outdoor sales area
Bed and breakfast inn	1 per guest room plus 1 per employee on duty
Boarding home	1 per guest room and 1 per employee
Church/house of worship	1 per 4 seats or 1 for 50 square feet of floor area used for assembly purposes
Cinema	1 per 3 seats plus 1 per employee on duty
Clubs	1 per 50 square feet of gross floor area plus 1 per employee on duty plus 1 bus parking spot per 50 seats
Community center	1 per 4 seats or 1 for each 50 square feet of floor area used for assembly purposes
Convenience store	1 per 150 square feet of gross floor area plus 1 per employee on duty
Convention center	1 per 4 seats or 1 for each 50 square feet of floor area used for assembly purposes plus 1 bus parking spot per 50 seats
Day care center	1 per 6 users plus 1 per employee on duty
Drive-thru or fast food establishment	1 per 60 square feet of gross floor area plus 1 per employee on duty
Eating establishment	1 per 3 seats plus 1 per employee on duty

Nonresidential Uses	Minimum Required Parking Spaces
Emergency service structure	1 space for each 400 square feet of gross floor area not including areas used for storage or housing of vehicles
Financial institution	1 per 200 square feet of gross floor area plus 1 per employee on duty
Funeral home	1 per 100 square feet of gross floor area plus 1 per employee on duty
Greenhouse	1 per 500 square feet of gross floor area plus 1 per employee on duty
Group home	1 per resident bed plus 1 per employee on duty
Health and recreation facility and recreation facility	1 per 4 persons allowed at maximum capacity plus one per employee on duty
Home occupation	1 per 300 square feet or part thereof or of gross floor area used for each occupation in addition to the requirement for the dwelling
Hospital	1 per 1.5 bed and 1.25 per employee on duty for the largest shift and 1 space for each staff doctor
Hotel/motel	1 per room and 1 per employee and 1 per each 50 square feet of gross floor area of assembly room area
Industry	1.25 per employee on the largest shift
Laundry facility	1 per employee and 1 per 2 washing machines
Library	1 per 400 square feet of gross floor area
Manufacturing	1.25 per employee on largest shift
Medical center	6 per physician and 1.25 per employee on duty for the largest shift
Museum	1 per 400 square feet of gross floor area
Nursery	1 per 500 square feet gross floor area and 1 per employee on duty
Nursing facility	1.5 per bed and 1.25 per employee on duty and 1 per 100 square feet of gross floor area used for outpatient care
Office	1.25 per employee and 100 per gross floor area
Park	1.5 per acre
Personal care home	1 per 1.5 bed and 1.25 per employee on duty for the largest shift and 1 space for each staff doctor
Personal service	1.25 per employee and 1 per 100 square feet of gross floor area

Supp. I; added 1/4/2010

Nonresidential Uses	Minimum Required Parking Spaces
Professional occupation	1.25 per employee and 1 per 100 square feet of gross floor area
Public utility	1 per employee on duty at the facility
Recycling center	1 per 1,000 square feet of gross floor area
Repair service	1.5 per employee
Research and development laboratory	1.25 per employee on the largest shift
Restaurant	1 per 3 seats plus 1 per employee on duty
Retail	1 per employee on duty
Retirement and convalescent homes	1.25 per employee on duty during the largest shift plus 1 per dwelling unit
Salon/barber/beauty/spa	2.5 per employee on duty
School	1 per each employee plus 1 per each ten students
Shopping center	4.5 per 1,000 square feet of gross floor area
Storage facilities	1 per employee on duty and 0.5 per storage unit
Swimming pool	1 space per 100 square feet of surface area in a pool(s) and 1 per 4 persons of legal occupancy
Tavern	1.25 per employee on duty and 1 per every 3 seats
Vehicular body and/or painting shop	see “auto service / repair”
Vehicular wash facility	5 spaces per washing lane and 1 per employee on duty
Veterinarian office	4 spaces per doctor and 1 per employee on duty
Vocational-mechanical trade school	1 per employee on the largest shift and 0.5 per student
Warehouse	1.25 per employee on duty

2. *All Other Uses Not Provided for Herein*. For all other uses not provided for herein, required parking spaces shall be determined by a study to be prepared by the developer and approved by the Borough Engineer prior to a permit being issued. The study shall, at a minimum, include the following:

A. Type of use and estimated number of total trips generated during peak conditions (inbound and outbound).

B. Estimated parking duration per vehicle trip (turnover rate).

C. Based on estimated number of trips generated and average parking duration per trip, calculated number of spaces required.

D. Estimated number of employees. A minimum of one space shall be

provided for each employee working maximum shift.

(*Ord. 211*, 1/4/2010, §1301)

§27-1303. Location and Management Requirements.

1. *Existing Parking*. Structures and uses existing on the effective date of this Chapter shall not be subject to the requirements of this Part so long as the type or extent of use is not changed; provided, that any parking facility now serving such structures or uses shall not, in the future, be reduced below such requirements.

2. *Changes in Requirements*. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements herein.

3. *Conflict with Other Uses*. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

4. *Continuing Obligation*. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities are designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

5. *Drainage, Surfacing and Maintenance*.

A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, as approved by the Borough Engineer, maintained, and ordained in accordance with applicable Borough ordinances and codes.

B. Parking areas shall be kept clean and free from rubbish and debris.

6. *Shared Use*. Two or more uses may provide for required parking in a common parking lot, if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total only as a special exception, if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

7. *Computation of Spaces*. Where the computation of required parking space results in a fractional number, any fraction shall be counted as one.

8. *Location of Spaces*.

A. Single- and two-family residential off-street parking spaces shall be provided on the same lot or premises with the use served.

B. Parking spaces for multiple dwelling buildings, commercial, and industrial uses shall be readily accessible to the buildings served thereby. Such spaces shall be in the same zoning district, as the principal building, or open area, and conform to the following regulations.

(1) Parking spaces for multiple dwelling buildings shall be located within

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200 feet of the respective dwelling unit's exterior entrance.

(2) Parking spaces for commercial and industrial buildings shall be located within 600 feet of the building for which they are to provide parking.

(3) The applicant for a use or building permit shall submit, with his application, an instrument duly executed and acknowledged which subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. Upon issuance of a permit, the Zoning Officer shall cause such instrument to be recorded in the office of the Recorder of Deeds.

9. *Lighting*.

A. All public parking areas shall be adequately lighted during after-dark operating hours. All light standards shall be located on raised parking islands and not on the parking surface.

B. Any lighting used to illuminate off-street parking or loading areas shall be shielded from any street or residential use.

(*Ord. 211*, 1/4/2010, §1302)

§27-1304. Design Standards.

1. The minimum dimensions of parking facilities to be provided shall be as follows:

Angle of Parking	Stall Width	Stall Depth*	One-Way	Two-Way
90 degrees	9'	18'	24'	24'
60 degrees	9'	20'	18'	20'
45 degrees	9'	18'	15'	20'
30 degrees	9'	16'	12'	20'
Parallel	8'	22'	12'	20'

*Depth of stall is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

A. All handicapped space shall be a minimum of 12 feet in width.

B. All dead end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.

C. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

2. Setbacks for parking areas shall be provided as follows:

A. All parking spaces and access drives shall be at least 10 feet from any multiple dwelling building, industrial, or commercial building on the lot.

B. All parking spaces and access drives shall be at least 5 feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces and access drives may not encroach on the buffer yard sales.

C. No parking area shall be located within a public right-of-way.

3. *Separation*.

A. Except at entrance and exit drives, parking area shall be physically separated from any public and/or private streets with a minimum 6-foot wide planting strip.

B. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.

C. All paved off-street parking spaces shall be marked so as to indicate their location.

4. *Landscaping*.

A. Buffer yards and screening shall be required for parking lots containing 10 or more parking spaces. Said buffer yard and screening shall be in accordance with buffer yard standards set forth in Part 11 of this Chapter.

B. Five percent of the off-street parking and access area, exclusive of other required landscaped areas, shall be landscaped.

C. Parking lots containing 50 or more parking spaces shall be planted with a minimum of one tree for every eight parking spaces. Each tree shall be surrounded by a planting island consisting of no less than 50 square feet of permeable and unpaved surface.

D. Planting islands shall be bounded by a concrete curb having a minimum height of 6 inches.

5. *Curb Radius*. No less than a 5-foot radius of curvature shall be permitted for all curb lines in all parking lots.

(*Ord. 211*, 1/4/2010, §1303)

§27-1305. Off-Street Loading and Unloading.

1. *Required Spaces*.

A. For all institutional, commercial, industrial and utility/transportation uses requiring delivery or pick-up of materials, a minimum number of off-street loading and unloading spaces shall be provided as follows:

Gross Floor Area	Required Number of Loading Spaces
6,000 square feet or less	1 loading/unloading space
6,001–20,000 square feet	2 loading/unloading spaces
Above 20,000 square feet	2 loading/unloading spaces, plus 1 additional space for each additional 50,000 square feet of gross floor area

B. Hotels shall have at least one loading space, with an additional loading berth when the floor area exceeds 50,000 square feet.

C. All off-street loading spaces shall be provided and maintained so long as the use exists which the facilities were designed to serve.

2. *Design Standards*. Off-street loading facilities shall be designed to conform to the following specifications:

A. Each required space shall be not less than 12 feet in width, 45 feet in

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length and 14½ feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.

B. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.

C. The maximum width of driveways openings measures at the street lot line shall be 40 feet; the minimum width shall be 20 feet.

D. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance with applicable Borough ordinances and codes.

(*Ord. 211*, 1/4/2010, §1304)

§27-1306. Non-permitted Uses.

1. Construction or heavy equipment shall not be stored in LDR, MDR, or HDR designated areas except for those actively being used for current construction.

2. Not more than one unlicensed vehicle or a vehicle with an expired inspection sticker is permitted to be stored on a residential property unless the vehicles are housed inside a structure and not within view of the public.

3. Tractor rigs, school and other busses, diesel-operated trucks and tractor trailers shall not be parked overnight or stored in LDR, MDR, or HDR designated areas where a noise produced may violate §27-1103.

(*Ord. 211*, 1/4/2010, §1305)

Part 14

Signs

§27-1401. Signs.

Signs may be erected and maintained only when in compliance with the provisions of this Part and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

(*Ord. 211*, 1/4/2010, §1400)

§27-1402. General Regulations.

1. No sign shall be erected, enlarged or relocated until a permit for doing so has been issued by the Zoning Officer, except that no permit shall be required for identification signs or real estate signs less 12 square feet in area or temporary signs not exceeding 32 square feet in area, provided use of such signs is in accordance with other provisions of this Chapter.

2. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Chapter except as they may interfere with traffic safety or in any other way become a public safety hazard. No lighting shall be permitted to outline buildings or structures or parts thereof through the use of exposed neon tubing, strings of lights, or other means with the exception of customary holiday decorations, which may be installed 30 days prior to and removed not later than 21 days after the holiday.

3. No sign shall be placed in such a position that it will cause danger on a street by obscuring view and, in no case, except official traffic and street signs, shall signs be placed within the required clear sight triangle.

4. No sign except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines. This provision may be waved for parallel signs in area where no yard setback is required.

5. No portion of any freestanding sign shall be located closer to any lot line than one-half the required yard for the district in which it is located, or located in within a street right-of-way.

6. No person shall paint, paste, brand, stamp or in any manner whatsoever place on or attach to any tree, telephone, electric light or other pole on any street in the Borough any written, printed, painted or other advertisement, bill, notice, sign, card or poster.

7. No sign shall be erected on which it states or implies that a property may be used for any purpose not permitted under the applicable provisions of this Chapter.

8. Wall (parallel) signs shall not extend beyond the side and/or above the lower roof line of the wall it is placed on.

9. There shall be no more than one freestanding sign for each frontage on a public right-of-way permitted on an individual lot.

10. In addition to other requirements of this Part, every sign must be constructed of durable materials, kept in good repair, not allowed to become dilapidated, and in compliance with other applicable State and local codes and ordinances. The areas

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surrounding all signs shall be maintained in a neat clean and attractive condition.

11. If the Zoning Officer finds that any sign is unsafe or insecure or is a menace to the public or had been constructed or erected or is being maintained in violation of the provisions of this Chapter, he shall give written notice to the owner thereof. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days after such notice, such sign may be removed or altered to comply by the Zoning Officer at the expense of the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure, which is in immediate peril to persons or property, to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within 5 days after the date of such removal.

12. All business signs shall be removed within 3 months after cessation of the purpose for which they were erected.

13. *Computation of Sign Area*.

A. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.

B. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

C. In computing square foot area of a double-face sign, only one side shall be considered, provided that both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than 45 degrees, both sides of such sign shall be considered in calculating the sign area.

14. *Maximum Sign Area*.

A. For buildings, or portions thereof under separate management and/or ownership, having building frontages of 50 feet or less:

(1) The maximum total surface area of all exterior signs shall not exceed 2 square feet per lineal foot of building frontage or 75 square feet, whichever is less, for each frontage on a public right-of-way.

B. For buildings, or portions thereof under separate management and/or ownership, having building frontages greater than 50 feet:

(1) The maximum total surface of all exterior signs shall not exceed 1½ square feet per lineal foot of building frontage or 100 square feet, which ever is less, for each frontage on a public right-of-way.

C. For buildings located in the Central Business District and Light Business District, maximum total surface area of all exterior signs shall be in compliance with §27-1404 herein.

15. *Sign Illumination*.

A. *Definitions*.

Directly illuminated sign–a sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light

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within such sign, including, but not limited to, neon and exposed lamp signs.

Festoon lighting–a directly illuminated sign comprised of a group of incandescent bulbs hung or strung overhead or used to outline a structure or any part thereof.

Indirectly illuminated sign–a sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.

Flashing sign–an illuminated sign on which the artificial light is not maintained in a stationary position and constant in intensity and color at all times when in use.

Non-illuminated sign–a sign which is not illuminated either directly or indirectly.

B. *Regulations*.

(1) Flashing signs shall not be permitted in any district.

(2) On-and/or off-premise temporary non-illuminated or indirectly illuminated signs advertising political parties or candidates for election may be erected or displayed and maintained, provided:

(a) The size of any such sign is not in excess of 15 square feet.

(b) The signs shall not be erected or displayed earlier than 60 days prior to the election to which they pertain and removed within 1 week after election.

C. Temporary non-illuminated or indirectly illuminated exhibits, shows or events located in the Borough may be erected, subject to the following requirements:

(1) Signs shall not exceed 15 square feet in area.

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

(3) Street banners are prohibited, except in the case of civic or charitable nonprofit organizations. When permitted, such banners are exempted from the size restrictions of subparagraph (1) above but must fully comply with the time limits for display set forth in subparagraph (2) above.

D. Portable signs shall be permitted as a temporary sign with a display period not to exceed 7 continuous days and an annual cumulative total of 56 days.

(*Ord. 211*, 1/4/2010, §1401)

§27-1403. Signs in Conservation and Residential Districts.

The following signs shall be permitted in the Conservation and Residential Districts.

A. Signs advertising the sale or rental of the premises upon which they are erected by the owner or the broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:

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(1) The size of any such sign is not excess of 6 square feet.

(2) No more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

(3) Signs shall be removed within 10 days of final sale or rental.

B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:

(1) The size of any sign is not in excess of 20 square feet.

(2) No more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

C. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:

(1) The size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length.

(2) Not more than one such sign is erected on each 500 feet of street frontage, with a maximum of five such signs.

D. Signs bearing the word "sold" or the word "rented," with the name of the person effecting the sale or rental, provided all conditions in subsection .1.A hereof, are met.

E. Signs of mechanics, painters, and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:

(1) The size thereof is not in excess of 12 square feet.

(2) Such signs are removed promptly upon completion of the work.

F. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed 2 square feet.

G. Signs indicating the private nature of a parking area, provided that the size of any such sign shall not exceed 20 square feet.

H. Signs identifying recreational areas, schools, colleges, churches, sanitariums, nursing homes, multi-unit dwellings, family/group day care facilities, or other institutions of a similar nature provided:

(1) The size of any such sign does not exceed 30 square feet.

(2) No more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

I. Signs advertising home occupations, no larger than 2 square feet, bearing the name and occupation, or use, conducted within the structure.

J. Signs indicating the name and/or address of a residential dwelling, no

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larger than 2 square feet.

K. Directional signs indicating location of a business shall be either free standing or attached to the building front.

L. On-and/or off-premises signs necessary for the direction, regulation and control of traffic; street name signs; legal notice; warnings at railroad crossings; and other signs which are similarly authorized or erected by a duly constituted governmental body. Such signs may be illuminated only as necessary or customary for traffic control or safety.

M. Business identification signs bearing the name of occupant, services offered and products manufactured on the premises subject to the regulations of §27-1405.1 herein.

N. *Height Regulations*.

(1) Freestanding ground signs shall not exceed 8 feet in height.

(2) Wall (parallel) signs or portions of such signs shall not be located above the ceiling of the ground floor of any building or more than 12 feet above the average upper surface of the official street grade, whichever is less.

(*Ord. 211*, 1/4/2010, §1402)

§27-1404. Signs in the Central Business District and Light Business District.

The following special sign regulations shall apply to signs erected and maintained within the Village District in addition to other applicable provisions as set forth herein. Where conflicting, the special sign provisions shall prevail.

A. *General Regulations*.

(1) All signs shall be erected and maintained in compliance with applicable standards established in §27-1402 herein.

(2) Off-premises signs (billboards) shall not be erected in the Central Business District and Light Business District.

(3) No signs shall be located on the roofs of buildings.

(4) No sign shall be erected which is suspended between poles as either a pennant that blows in the wind or a spinner which spins in the wind, with the exception of banners for charitable or Borough organizations.

(5) Signs, advertising a business, office, home occupation, service or other permitted use shall be erected on the site where such use is located.

(6) *Illumination*.

(a) Signs may be illuminated in accordance with §27-1402 herein.

(b) The source of illumination for signs shall be shielded or concealed from direct view.

(7) *Materials*.

(a) Signs in the Central Business District and Light Business District shall be constructed of wood, metal, plastic, glass or tubular neon lighting materials.

(b) Factory manufactured franchised or registered trademark signs shall be considered on a case-by-case basis in terms of their adherence to

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the regulations herein.

(8) *Maximum Sign Area*.

(a) For buildings, or portions thereof under separate management and/or ownership, having building frontages of 50 feet or less:

1) The maximum total surface area of all exterior signs shall not exceed 2 square feet per lineal foot of building frontage or 50 square feet, whichever is less, for each frontage on a public right-of-way.

(b) For buildings, or portions thereof under separate management and/or ownership, having building frontages greater than 50 feet:

2) The maximum total surface area of all exterior signs shall not exceed 1½ square feet per lineal foot of building frontage or 75 square feet, whichever is less, for each frontage on a public right-of-way.

B. *Projecting Signs*.

(1) Any sign attached to the wall of a structure and projecting more than 8 inches shall be classified a projecting sign and shall be attached in such a manner as to be perpendicular to such wall.

(2) Projecting signs shall project no more than 5 feet from the side of a building.

(3) Projecting signs shall have a maximum sign face of 10 square feet in area.

(4) The bottom of such signs shall be a minimum 9 feet from the grade and top of such signs shall not be located above the lowest point of the roof line.

(5) Only one projecting sign shall be permitted per lot.

C. *Wall (Parallel) Signs*.

(1) Wall (parallel) signs shall project no more than 8 inches from the building surface.

(2) Placement of such signs shall be in compliance with §27-1402.8.

(3) Wall signs shall have a maximum sign face of 10 square feet.

(4) Signs painted directly on the surface of a building shall be permitted and limited to the identification of the building and/or establishment conducted therein. The display area of such sign shall be included in calculating permitted square footage for exterior signs.

D. *Freestanding Signs*.

(1) Freestanding signs shall have a maximum sign face of 10 square feet.

(2) Such signs shall not exceed a height of 8 feet from the ground level to the top of the sign and shall not exceed a height of 10 feet to the top of the sign support.

(3) Only one freestanding sign shall be permitted per lot, subject to the provisions of §27-1402.9 of this Chapter.

E. *Window Signs*.

(1) Window signs shall not cumulatively occupy more than 20 percent of the total area of said window.

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(2) Window signs shall be limited to the name, monogram, logo, address and/or telephone number of the business occupying the premises, in addition to the reasonable display of hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards accepted, or similar information.

(3) Temporary window signs advertising sales or similar promotional activities, shall be exempt from §27-1404.D(1) requirements. Such signs shall remain in place no longer than 30 days.

F. *Sidewalk Signs*. A maximum of one sidewalk sign per business shall be allowed when such signs are intended to advertise specials or sales occurring on the same day as their placement.

(1) Such signs shall not impede pedestrian traffic or obstruct the vision of motorists.

(2) Such signs shall be removed daily.

(3) Such signs shall have a maximum sign face of 6 square feet in area.

G. *Home Occupation and Residential Signs*.

(1) Signs advertising home occupation, no larger than 2 square feet, bearing the name and occupation, or use, conducted within the structure.

(2) Signs indicating the name and/or address of a residential dwelling, no larger than 2 square feet.

(*Ord. 211*, 1/4/2010, §1403)

§27-1405. Business Identification Signs.

Signs bearing the name of the occupant, services offered and products manufactured, processed, sold, or displayed may be erected and maintained on the premises subject to the following regulations:

A. *Conservation and Residential Districts*.

(1) Wall (parallel) business identification signs are permitted, provided:

(a) The total area of such signs for each establishment shall not exceed 2 square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment.

(b) If such establishment does not occupy any floor area on the ground level of the building other than an entryway, the maximum permitted sign area shall not exceed 1 square foot of length of the front building wall or length of that portion of such wall devoted to such establishment.

(c) Signs painted on or affixed to the inside or outside of windows shall be included in this computation, if their combined area exceeds 50 percent of the area of the window which they occupy.

(d) The total area of such signs shall not exceed 15 percent of the area of the wall (including windows and door area) to which they are attached.

(2) Freestanding business identification signs are permitted provided:

(a) Only one such sign shall be permitted on each property, with the

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exception of those establishments having wall fronting on two or more streets in which case the sign area for each street may be computed separately.

(b) The area of any such sign shall not exceed 1 square foot for each 3 feet of lot frontage or 24 square feet, whichever is smaller.

(c) The maximum height of freestanding business identification signs shall not exceed 12 feet, but in no case shall it exceed the height of the lowest roof line.

(3) Non-illuminated, indirectly illuminated or directly illuminated business identification signs are permitted, provided they create no objectionable glare or illumination on adjacent use.

B. *Floodplain*.

(1) Wall (parallel) business identification signs are permitted, provided:

(a) The total area of such signs for each establishment shall not exceed 2 square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment.

(b) If such establishment does not occupy any floor area on the ground level of the building other than an entryway, the maximum permitted sign area shall not exceed 1 square foot of length of the front building wall or length of that portion of such wall devoted to such establishment.

(c) Signs painted on or affixed to the inside or outside of windows shall be included in this computation, if their combined area exceeds 50 percent of the area of the window which they occupy.

(d) The total area of such signs shall not exceed 15 percent of the area of the wall (including windows and door area) to which they are attached.

(2) Non-illuminated, indirectly illuminated or directly illuminated business identification signs are permitted, provided they create no objectionable glare or illumination on adjacent use.

C. *Central and Light Business Districts*.

(1) Business identification shall not exceed 100 square feet in sign surface area.

D. Business identification signs within the Central Business District and the Light Business District shall be erected and maintained in accordance with §27-1404 herein.

E. Signs shall be either freestanding or attached to the building front.

F. Business directional signs, indicating location and directions to said business, not erected upon premises and inscribed with business name, distance, direction and/or arrows may be erected and maintained in any district provided:

(1) The size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length.

(2) Not more than one sign is placed upon any property in single and separate ownership.

(*Ord. 211*, 1/4/2010, §1404)

§27-1406. Nonconforming Signs.

Any sign lawfully existing at the time of passage of this Chapter that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Chapter.

(*Ord. 211*, 1/4/2010, §1405)

§27-1407. Permit Application and Fees.

Except for signs exempted under §27-1407 of this Part, no person shall erect, cause to be erected, change or alter any sign on any property within the Borough until a permit for the same has been issued by the Zoning Officer. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this Chapter are adhered to and shall comply with the following provisions:

A. Application for permit shall be made on an authorized Borough form and shall be accompanied by the following:

(1) A detailed scale drawing showing the sign and its intended location.

(2) A description of its type, construction, manner, and method of installation, and materials to be used.

(3) Written authorization of the owner or lessee of the property, if other than the applicant.

(4) A permit fee, as established by resolution of Borough Council.

B. For the purpose of this Part, the terms “alter” or “change” shall not be interpreted to include routine maintenance.

(*Ord. 211*, 1/4/2010, §1406)

§27-1408. Exemptions from Permits and/or Fees.

1. A permit and fee shall not be required for the following signs:

A. Official signs.

B. Temporary signs.

2. Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this and/or other applicable ordinances, codes, or laws.

(*Ord. 211*, 1/4/2010, §1407)

Part 15

Motor Vehicle Access

§27-1501. Motor Vehicle Access Regulations.

Wherever motor vehicle access is provided from the street or private road onto a lot, the following regulations shall apply.

(*Ord. 211*, 1/4/2010, §1500)

§27-1502. Driveways and Curbs.

1. Residential access to the lot shall comply with the following regulations:

A. Each driveway shall be constructed with an all-weather, dustless surface and not less than 10 feet in width nor more than 20 feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of the return radius shall fall within the right-of-way.

B. For multi-family developments, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be in accordance with applicable Borough codes and ordinances.

C. For multi-family developments, where there is no existing curb and gutter or sidewalk, a curb, fence, or pipe rail not exceeding 2 feet or less than 8 inches in height shall be constructed along the entire length of the property line, except in front of the permitted driveway.

2. Nonresidential access to the lot shall comply with the following regulations:

A. Access shall be not more than two driveways for each 100 feet of frontage on any street.

B. No driveway shall be closer to a side property line than 3 feet, and no flare shall cross an extended side property line.

C. Each driveway shall be constructed with an all-weather, dustless surface and not less than 10 feet in width if one-way nor more than 20 feet in width if two-way, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of the return radius shall fall within the right-of-way.

D. Driveways shall not cross the street right-of-way within 10 feet of a fire hydrant, catch basin or drain inlet.

E. Driveways shall not cross the street right-of-way within 35 feet of another driveway on the same lot, excepting in the case where dual access drives are deemed necessary to permit safe ingress and egress. These dimensions may not be reduced to less than 10 feet between two access drives.

F. Driveways shall not cross the street right-of-way for all commercial, industrial, and other such nonresidential uses within 20 feet of a property line

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unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.

G. For nonresidential uses where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be in accordance with applicable Borough codes and ordinances.

H. For nonresidential uses, where there is no existing curb and gutter or sidewalk, a curb, fence, or pipe rail not exceeding 2 feet or less than 8 inches in height shall be constructed along the entire length of the property line, except in front of the permitted driveway.

3. *General Safety Requirements; Sight Distance*. Driveways shall have safe sight distance and clear sight triangles, and shall not exceed a slope of 8 percent within 10 feet of the street line for a residential uses and 40 feet for nonresidential uses. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than ½ foot vertical to 1 foot horizontal within 10 feet of the point the drive intersects with the right-of-way line.

4. *Submission of Plan*. A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation.

(*Ord. 211*, 1/4/2010, §1501)

§27-1503. Location of Gasoline Pumps.

Gasoline pumps and all other service equipment, excluding canopies, shall be set back not less than 25 feet from any street line and shall be so located that vehicles stopped for service will not extend over the property line.

(*Ord. 211*, 1/4/2010, §1502)

Part 16

Amendments

§27-1601. Procedure.

The Borough Council may, from time to time, amend, supplement or repeal any of the regulations and provisions of this Chapter after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Borough Planning Commission, must be referred to the Borough Planning Commission for its recommendations at least 30 days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least 30 days prior to the hearing on the ordinance amendment by the Borough Council, the Borough Planning Commission shall submit the proposed ordinance or amendments to the Lancaster County Planning Commission for recommendations. Amendment procedures shall be in compliance with §609 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No.247, as amended.

(*Ord. 211*, 1/4/2010, §1600)

§27-1602. Procedure upon Curative Amendments.

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended, §§609.1 and 609.2.

(*Ord. 211*, 1/4/2010, §1601)

§27-1603. Publication, Advertisement, and Availability of Ordinance.

1. Proposed zoning ordinances and 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 ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance and amendment once in the newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or 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 included:

   A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

   B. An attested copy of the proposed ordinance shall be filed in the Lancaster County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.

2. In the event substantial amendments are made in the proposed ordinance or

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amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one 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.

(*Ord. 211*, 1/4/2010, §1602)

§27-1604. Zoning Amendment Application Requirements.

The Borough Council shall have the power to enact, by resolution, zoning change application requirements for those requesting a zoning change of a land area in the Borough from one zoning classification to another zoning classification.

(*Ord. 211*, 1/4/2010, §1603)

Part 17

Administration and Enforcement

§27-1701. Appointment and Powers of Zoning Officer.

For the administration of this Chapter, a Zoning Officer, who may not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

(*Ord. 211*, 1/4/2010, §1700)

§27-1702. Enforcement.

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority, to enforce the provisions of this Chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough council may require. Permits for construction and uses which are a special exception, or a variance, to requirements of this Chapter shall be issued only upon approval by the Zoning Hearing Board.

(*Ord. 211*, 1/4/2010, §1701)

§27-1703. Permits.

1. *Requirements of Permits*. A building and/or zoning permit shall be required prior to the erection addition, or, alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

2. *Application for Permits*. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Chapter and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applicants with accompanying plans and documents shall become a public record after a permit is issued or denied.

3. *Issuance of Permits*.

A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration complies with all the provisions of this Chapter, as well as the provisions of all other applicable ordinances.

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B. Zoning Officer shall act upon the request within 30 days following application.

C. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

4. *Temporary Permits*. A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough permits for temporary structures shall have a life of not more than 1 year. One renewal term may be permitted if approved by the Zoning Officer.

(*Ord. 211*, 1/4/2010, §1702)

§27-1704. Inspection by the Zoning Officer.

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:

A. *At the Beginning of Construction*. A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application.

(1) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

B. *At the Completion of Construction*. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter; and the opinion of the Zoning Officer in regard to the issuance of a certificate of use permit.

(*Ord. 211*, 1/4/2010, §1703)

§27-1705. Fees.

1. The Borough Council shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Zoning Officer, and may be amended and changed as necessary only by Resolution of Borough Council.

2. Such fees shall be payable to the Borough and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any application or appeal.

(*Ord. 211*, 1/4/2010, §1704)

§27-1706. Certificate of Use.

1. A certificate of use shall be a statement issued by the Zoning Officer setting

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forth that a building, structure, parcel, or use of land complies with the provisions of this Chapter.

2. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a certificate of use shall have been issued by the Zoning Officer.

3. A certificate of use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.

4. A certificate of use for changing or extending a nonconforming use, existing at the time of the passage of this Chapter or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.

5. A record of all certificates of use shall be kept on file in the office of the Zoning Officer.

(*Ord. 211*, 1/4/2010, §1705)

§27-1707. Conditional Uses.

1. *Filing of Conditional Use*. For any use permitted by conditional use, a conditional use permit must be obtained from the Christiana Borough Council. In addition to the information required on the zoning permit application, the conditional use application must show:

A. Ground floor plans and elevations of proposed structures.

B. Names and addresses of adjoining property owners, including properties directly across a public right-of-way.

C. A scaled drawing (site plan) of the site including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.

D. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

2. *General Criteria*. Each applicant must demonstrate compliance with the following:

A. The proposed use shall be consistent with the purpose and intent of this Chapter and such use is specifically authorized as a use by condition within the zoning district wherein the applicant seeks approval.

B. The proposed use shall not detract from the use and enjoyment of adjoining properties.

C. The proposed use will not substantially change the character of the subject property's neighborhood nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be

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adequately safeguarded.

D. Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities, (e.g., schools, parks and recreation, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.).

E. Such use shall be sized, located and designed so that no undue traffic congestion or safety hazards will be created. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use. There shall be control of development of highway frontage so as to limit the number of points for vehicular access and consideration of their location with regard to vehicular and pedestrian safety. Where appropriate and practicable, joint use of shared access drives along major highways shall be encouraged.

F. The applicant shall establish by credible evidence that the proposed use shall be in and of itself properly designed with regard to internal circulation, off-street parking, off-street loading, landscaping, screening, buffering, and all other elements of proper design as specified in this Chapter and any other governing law or regulation.

G. The proposed use shall comply with all applicable regulations contained in this Chapter.

H. The proposed use will not substantially impair the integrity of the Octoraro Region Joint Strategic Comprehensive Plan.

3. *Conditions*. The Christiana Borough Council, in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same district. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in this Part.

4. *Site Plan Approval*. Any site plan presented in support of the conditional use pursuant to this Part shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approved use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

5. *Hearing Procedures*.

A. Before voting on the approval of a conditional use, the Borough Council shall hold a public hearing thereon, pursuant to public notice as defined in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. If, after any public hearing held upon an application, the proposed application is revised, the Borough Council or hearing officer shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application. As an alternative, the Borough Council may appoint any one of its members or an independent attorney to act as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Borough Council.

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However, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final.

B. The Borough Council may submit each such application to the Borough Planning Commission prior to the hearing on such application to provide the Borough Planning Commission an opportunity to submit recommendations.

C. Public notice and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

D. The first hearing before the Borough Council or hearing officer shall commence within 60 days from the date of the receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Borough Council or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Borough Council or hearing officer shall assure that the applicant receives at least 7 hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

E. The Borough Council may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

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

G. The President or Acting Chairman of the Borough Council or hearing officer shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents requested by the parties.

H. 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.

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

J. The Borough Council or hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough Council. The cost of the original transcript shall be paid by the Borough Council if the transcript is ordered by the Borough Council or hearing officer, or shall be paid by the person appealing the decision of the Borough Council or hearing officer 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.

K. The Borough Council or hearing officer shall not communicate directly or indirectly with any party or his/her representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, 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 after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.

L. The Borough Council 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 conditional use application within 45 days after the last hearing before the Borough Council. However, the applicant and the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Borough Council and accept the decision or findings of the hearing officer as final. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act 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 or findings are final, the Council shall make the hearing officer's report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Council prior to the final decision or entry of findings, and the Council's decision shall be entered no later than 30 days after the report of the hearing officer.

M. Where the Borough Council or hearing officer fails to render the decision within the period required by this subsection, or fails to commence the period required by this subsection, or fails to commence the required hearing within 60 days from the date of the applicant's request for a hearing, or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the Court of Common Pleas, 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 Borough Council or hearing officer to meet or render a decision as hereinabove provided, the Borough Council or hearing officer shall give public notice of the

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decision within 10 days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council or hearing officer shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. 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/her no later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the last day of the hearing, the Borough Council 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.

6. *Time Limitation*.

A. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within 2 years after the date when the conditional use is finally granted, and the building or alteration, as the case may be, shall be completed within 3 years of said date. For good cause, the Borough Council may at any time, upon application in writing, extend either of these deadlines.

B. Should the appellant or applicant fail to obtain the necessary permits within said 2-year period, or having obtained the permit, should he/she fail to commence work thereunder within such 2-year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his/her application, and all approvals and permits granted to him/her shall be deemed automatically rescinded by the Board of Supervisors.

C. Should the appellant commence construction or alteration within said 2-year period, but should he/she fall to complete such construction or alteration within the said 3-year period, the Borough Council may, upon 10 days notice in writing, rescind or revoke the granted conditional use, if the Borough Council finds that no good cause appears for the failure to complete within such 3-year period, and if the Borough Council finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

D. As an alternative to the preceding, an applicant can request, as part of the original application before the Borough Council, the granting of a timetable associated with the request which would supersede the deadlines imposed in Part 6. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this Section, the Borough Council must establish and bind a definite time-frame for:

(1) Assurance of a zoning permit.

(2) Completion of construction of the project.

(*Ord. 211*, 1/4/2010, §1706)

§27-1708. Demolition, Removal or Relocation of Historic Resources.

1. *General Provisions*.

A. *Compliance*. No historic resource within Christiana Borough that is 100 years old or older, or is listed on the historic resource inventory shall hereafter be demolished, in whole or in part, without full compliance with the terms of this Section.

B. *Application Procedures*. Applications for demolition review may be obtained from the Christiana Borough Municipal office.

C. *Criteria for Review*. Applicants for a permit to demolish, remove or relocate a historic resource in whole or in part must provide, as part of their application, a written statement as to whether each of the following criteria are correct and, if so, provide detailed substantiation for each statement that is believed to be correct. In each instance the burden of proof is on the applicant to demonstrate that he/she has been deprived of any profitable use of the relevant parcel as a whole. Recommendations of the Christiana Borough Historic Commission and the decision of Borough Council shall be based upon a review of the responses submitted by the applicant against all criteria and not any one criterion; and they shall also consider the goals and development objectives of the municipality to preserve and enhance the historic character that makes Christiana a unique, distinctive and identifiable place.

(1) It is not feasible to continue the current use.

(2) Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.

(3) Adaptive use opportunities do not exist due to constraints related to the building, structure or property.

(4) The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment Such reasonable rate of return shall be calculated with respect to the property taken as a whole.

(5) The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.

(6) The demolition, relocation or removal will not adversely affect the character of the property, streetscape, neighborhood or community.

(7) A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.

(8) The building is structurally unsound.

(9) The denial of demolition would result in unreasonable economic hardship to the owner. The required forms to prove economic hardship are available at the Borough Office.

(10) Sale of the building or structure is impossible or impractical.

(11) Denial of demolition will deprive the property as a whole of all beneficial use. As a part of the review process, the Zoning Officer, Christiana Historic Commission, Planning Commission, or Borough Council may request

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additional information be provided.

D. *Review Procedure*.

(1) The Zoning Officer shall forward complete applications for demolition, removal or relocation of historic resources to the Christiana Historic Commission for their review and recommendations at a regularly scheduled meeting. The applicant shall be notified of the meeting date and time.

(2) The applicant shall be provided an opportunity to present his proposal to the Christiana Historic Commission.

(3) The Christiana Historic Commission shall provide written recommendations to the Christiana Planning Commission, Borough Council and the applicant.

(4) The Christiana Planning Commission shall review the application, along with the recommendation of the Christiana Historic Commission. The applicant shall also be notified of the date and time of the Planning Commission meeting.

(5) The Christiana Borough Planning Commission shall inform the Christiana Borough Council, the Christiana Historical Commission and the applicant of its recommendations in writing.

(6) The Christiana Borough Council shall review the application at a regularly scheduled meeting, consider the recommendations of the Historic Commission and the Planning Commission in accordance with the criteria set forth in subsection .1.C, above. The applicant shall be notified of the date and time of meeting.

(7) The Christiana Borough Council shall inform the Zoning Officer if its decision and, based upon this decision, the Zoning Officer shall either issue or deny the demolition permit. The applicant shall be promptly notified on the final decision.

E. When a demolition permit is approved:

(1) The applicant shall be required to photograph all elevations of the building and provide sufficient photographs of the interior to convey the appearance and lay-out of the building. All architectural features shall also be photographed. The photographs and/or CD should be presented to the Borough and/or the Historical Commission to provide a permanent record of what existed on the site. If requested, the Zoning Officer shall take the necessary photographs.

(2) The applicant shall be encouraged to salvage or have salvaged all reusable building materials and architectural features.

F. *Associated Land Development Plan*.

(1) If the application for a permit for demolition, relocation or removal is being requested to facilitate future development, the said permit shall not be issued by the Zoning Officer until the following additional requirements have been satisfied:

(a) Approval of the land development plan by the Christiana Borough Council.

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(b) The recording of an approved subdivision or land development plan for the lot where the demolition, removal or relocation is proposed.

(c) Issuance of any necessary zoning approvals.

G. *Enforcement*. In addition to the enforcement provisions found in this Part and incorporated herein by reference, the Christiana Borough Council may authorize action to withhold issuance of any and all zoning and building permits for a period of up to 3 years for any property that at the time of the enactment of these provisions was occupied by a building or structure that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.

In addition, the Christiana Borough Council may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Part.

(*Ord. 211*, 1/4/2010, §1707)

§27-1709. Certificate of Nonconformance.

A certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Chapter, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Borough as follows:

A. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.

B. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.

C. The certificate shall be for the purpose of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Chapter.

(*Ord. 211*, 1/4/2010, §1708)

§27-1710. Amendment, Special Exception, or Variance.

Applications for any amendment, special exception, or variance permitted by this Chapter shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Hearing Board may request information from the Planning Commission relating to the request.

(*Ord. 211*, 1/4/2010, §1708)

§27-1711. Variances.

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

A. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or condition generally created by the provisions of this Chapter in the district which

the property is located.

B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is thereof necessary to enable the reasonable use of the property.

C. Such unnecessary hardship has not been created by the appellant.

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

E. The variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguard as it may deem necessary to implement the purpose of this Chapter.

(*Ord. 211*, 1/4/2010, §1710)

§27-1712. Appeals and Applications for Amendment, Special Exception, or Variance.

An appeal, or application for an amendment, special exception, or variance from the terms of this Chapter shall be filed with the Zoning Officer, and shall contain:

A. The name, address and phone number of the applicant.

B. The name and address of the owner of the real estate to be affected by such proposal.

C. A brief description and location of the real estate to be affected by such proposal.

D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

E. A statement of the Section of this Chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.

F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.

G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.

(*Ord. 211*, 1/4/2010, §1711)

§27-1713. Hearing Board Decisions.

In this Chapter, amendment, special exception, or variance may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this Chapter. In granting a variance, special exception, or variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. The Zoning Hearing Board shall pursue the following procedure:

A. The Zoning Hearing Board's decision to grant a permit for an amendment, special exception, variance, shall be made only after public notice and public hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing.

(*Ord. 211*, 1/4/2010, §1712)

§27-1714. Violations.

Failure to comply with any provision of this Chapter, failure to secure a permit, Zoning Hearing Board Certification, when required, or failure to secure a certificate of use, shall be violations of this Chapter:

A. *Notice of Violation*.

(1) When written notice of a violation of any of the provisions of this Chapter has been served by the Zoning Officer on the owner, agent or occupant, or contractor, such violation shall be discontinued immediately.

(2) All appeals from determinations by the Zoning Officer under this Section shall be to the Zoning Hearing Board within 30 days of the date of the determination.

B. *Causes of Action*. In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the 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 other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of 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 at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

C. *Enforcement Remedies*.

(1) Any person, partnership or corporation, who or which has violated or permitted the violation of the provisions of this Chapter, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorney fees collected for the violation shall be paid over to the Borough of Christiana.

(2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.

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

(*Ord. 211*, 1/4/2010, §1713)

§27-1715. Zoning Hearing Board.

1. The Zoning Hearing Board shall consist of three members appointed by the Borough Council. The terms of office shall be 3 years and be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which may 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 lease one but not more than three residents of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. 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. Alternates 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 and have such powers and authority as set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. The duly established Zoning Hearing Board shall have the following functions:

2. 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 members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf.

A. *Hearings*. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate and any person who has made timely request for the

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same. Notices shall be given at such time and in such manner prescribed by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as amended and 65 Pa.C.S. §701 *et seq*., as amended, known as the "Sunshine Act." The Borough Council may establish reasonable fees, based on costs, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.

B. *Jurisdiction*. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

(1) Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§609.1 and 916.1(a)(2) of the Code.

(2) 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.

(3) Appeals from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

(4) Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

(5) Applications for special exceptions under this Chapter or floodplain ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

(6) Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Chapter.

(7) Appeals from the Zoning Officer's determination under §916.2, Procedure to Obtain Preliminary Decision, of the Code.

(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 stormwater management insofar as the same relate to development not involving applications under Article V or VII of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended.

C. *Parties Appellant Before the Zoning Hearing Board*. Appeals raising the substantive validity of any land use ordinance, except those to be brought before the Borough Council, pursuant to the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as amended, or 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 therefore, the issuance of any cease and desist order or the

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registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of the Zoning Officer or Borough Engineer in the reference to sedimentation and erosion control and stormwater management insofar as the same relate to the development not involving subdivision and development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Zoning Hearing Board by any landowner or tenant with the permission of such landowner.

D. *Time Limitations*.

(1) No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto, or map or an amendment thereto, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

(2) All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

E. *Stay of Proceedings*.

(1) Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Hearing Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body When an application for development, preliminary or final, has been duly approved and proceeding designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

(2) The question whether or not such petition should be granted and the

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amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

(*Ord. 211*, 1/4/2010, §1714)

§27-1716. Interpretation, Purpose, and Conflict.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provision of this Chapter shall control.

(*Ord. 211*, 1/4/2010, §1715)

§27-1717. Validity.

Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole, or any other part thereof.

(*Ord. 211*, 1/4/2010, §1716)