BOROUGH OF BLAKELY

ORDINANCE NO. 8 OF 2026

AN ORDINANCE ENACTING THE AMENDMENTS TO THE ZONING ORDINANCE OF THE BOROUGH OF BLAKELY UPDATING THE BLAKELY BOROUGH ZONING REGULATIONS

WHEREAS, the Borough of Blakely had enacted a zoning ordinance for purposes of managing and overseeing all the real estate within the Borough of Blakely;

WHEREAS, contained in the Zoning Ordinance there were specific provisions and regulations that needed to be updated given the change of structure since the last amendment;

WHEREAS FURTHER, the Borough Council has determined it necessary to enact a curative amendment as it relates to the keeping of chickens in a residential zone and other necessary updates;

WHEREAS the zoning regulations have become outdated and no longer cover issues and maintenance within the Borough of Blakely;

WHEREAS, the Borough has determined it is necessary to update and rework portions of the Zoning Ordinance;

WHEREAS the Borough in researching and determining the necessity of the changes;

AND NOW, this 21st day of September 2026, the Borough herein enacts the changes to the Zoning Ordinance as identified in the amendment attached to this Ordinance.

BLAKELY BOROUGH

By: _____
Council President

ATTEST:

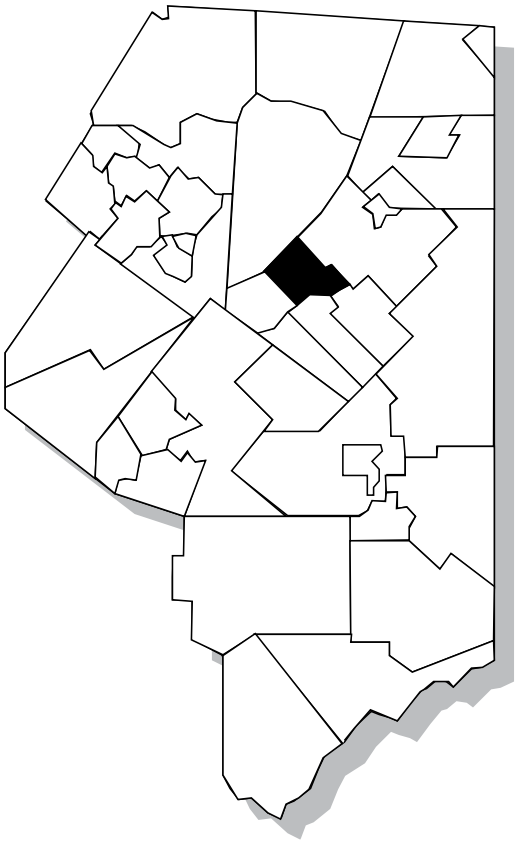
_____
Secretary

Approved this 21st day of September 2026.

_____
Mayor

ZONING ORDINANCE

FEBRUARY 2017
Amended December 2020
Amended November 2025
Amended September 2026



1439 Main Street
Peckville, PA 18452

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ARTICLE I

GENERAL PROVISIONS

101 TITLE

An Ordinance completely amending the Blakely Borough Zoning Ordinance adopted September 15, 2003, and as amended thereafter.

This Ordinance divides the Borough of Blakely into districts and regulates the use of land and the location, use and density of buildings within these districts; establishes a Zoning Hearing Board setting forth the duties and functions of said Board; regulates non-conforming uses and provides for the administration and enforcement of this Ordinance.

102 SHORT TITLE

This Ordinance shall be known and may be cited as the Blakely Borough Zoning Ordinance.

103 APPLICATION OF ORDINANCE

No building, structure or land, located wholly or partially within the Borough of Blakely shall be used or occupied and no building or part thereof shall be erected, moved, enlarged, or structurally altered unless in conformance with the regulations of this Ordinance.

104 PURPOSE

This Zoning Ordinance has been prepared in accordance with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures, and 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, energy conservation, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements as well as,

B. 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.

105 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough that are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

106 EXEMPTIONS AND LIMITED PROVISIONS

A. Public Utilities

This Ordinance shall not apply to any existing or proposed building or extension thereof that is used or is to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission decides after a public hearing that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

B. State-Owned Property

State-owned property shall be subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the Commonwealth of Pennsylvania.

C. Federally-Owned Property

Federally owned property shall be subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States Government.

107 SEVERABILITY

If any article, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

108 REPEALER

The Blakely Borough Zoning Ordinance adopted September 15, 2003, and all amendments thereto, are hereby repealed. All other existing Ordinances or parts of Ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

109 EFFECT OF ORDINANCE

Hereinafter, no building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and controls specified in this Ordinance for the District in which such building or land is located.

110 EFFECTIVE DATE

This Ordinance shall become effective on the date of its adoption by the Borough Council.

111 ADOPTION

This Ordinance was duly adopted at a public meeting of the Blakely Borough Council held on September 21, 2026, after a public hearing, properly advertised, held on September 21, 2026, by the Blakely Borough Council.

Adopted on this 21st day of September 2026

PRESIDENT, Louis R. Parri

VICE-PRESIDENT, Jeffrey Cruciani

MEMBER, Edward Alco, Jr.

MEMBER, Kyle Burak

MEMBER, Michael Henzes

MEMBER, Joseph Munley

MEMBER, Kevin Swift

ATTEST:

BOROUGH MANAGER/SECRETARY
Christopher R. Paone

ARTICLE II

COMMUNITY DEVELOPMENT OBJECTIVES

201 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is adopted in general conformance with the elements of the Blakely Borough Comprehensive Plan and is designed to accomplish the following objectives:

1. Create a pattern of land uses that is compatible and harmonious, where a suitable environment may be created for residential, commercial and industrial functions. The protection of present and future residential areas is a prime concern, as well as the reservation and protection of lands that are considered desirable and suitable for commercial and industrial uses, but not those industrial uses that will emit nuisances that would have an adverse effect on any part of the Borough.

2. Maintain a density of population that can feasibly be served by the streets and other public facilities that presently exist or can be reasonably provided by the Borough.

3. Direct the types of development and the intensity of development in such a manner as it will not place an unreasonable burden on the capacity of local streets and other public facilities.

4. Preserve the character, appearance, and integrity of the community in keeping with the present pattern and character of development and provide a variety of housing types and styles for all citizens.

5. Protect the flood plains by prohibiting the forms of development that would restrict the flow of the waterways and/or result in extensive loss of life or property.

6. Protect and encourage the conservation of natural resources.

ARTICLE III

DEFINITIONS

301 INTERPRETATION

For the purpose of this Ordinance certain words shall have the meaning assigned to them as follows:

Words used in the present tense include the future.

Words used in the singular include the plural; words used in the plural include the singular.

The word "shall" or "must" is always mandatory.

The masculine gender shall include the feminine and neuter.

The word "building" includes "structure" and any part thereof.

The word "lot" shall include "plot" or "parcel."

The phrase "used for" includes "arranged for," "designed for," "intended for," or "occupied for."

The word "person" includes an individual, corporation, partnership, incorporated association or any other similar entity.

The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.

302 DEFINITIONS

The following words and phrases shall have the meaning given in this section, as follows:

ABANDONMENT: The relinquishment of property or the cessation of the use of the property, and the removal of the characteristic equipment or furnishings used in conjunction with the property, by the owner or lessee for a period of one year or greater without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUSED PERSON SHELTER: A non-profit, social-service use in which rooms are provided to serve as a temporary, safe and supportive, living environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ABUT: To physically touch or border upon or to share a common property line, also known as adjoining or contiguous with no intervening land. The term "abut" implies a closer proximity than the term "adjacent."

ACCESS DRIVE: A durable, all-weather surface, other than a street as defined in this Ordinance that provides access from a street to a lot or parcel of land.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building on a lot, the use of which is incidental to that of the main or principal building and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building and is not approved, established, or constructed before the principal use or structure is approved, established, or constructed.

ADJACENT: Lying near or close to, neighboring; may be contiguous. "Adjacent" implies that two objects are not widely separated, though they may not actually touch.

ADULT DAY CARE CENTER: A use providing supervised care and assistance primarily to persons who are over age 16 and not in good physical health or suffering from a form of dementia or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

ADULT ARCADE: Any place where the public is permitted or invited where coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities: or "specified anatomical areas." An adult arcade shall be considered an Adult Business for the purpose of this Ordinance.

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment that, as significant stock and trade (see definition), offers for sale or rental for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassettes, or video reproductions, slides or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas."

2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

The term Adult Bookstore shall include, but not be limited to, an Adult Video Store, and all such uses shall be considered an Adult Business for the purpose of this Ordinance.

ADULT BUSINESS: Any of the following:

1. A use of a building, or land for a business that has obscene materials as significant stock and trade (see definition).

2. A use of a building or land for a business that involves the sale, lease, trade, gift, or display of drug paraphernalia as significant stock and trade (see definition).

3. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions

where a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or where any "specified sexual activities" are conducted for economic gain or any other form of consideration.

4. Any of the following as defined in this §302, or any similar type of use:

   A. adult arcade
   B. adult bookstore or adult video store
   C. adult live entertainment use or facility
   D. adult motel
   E. adult motion picture theater
   F. adult theater
   G. escort agency
   H. massage parlor
   I. nude model studio
   J. sexual encounter center

ADULT LIVE ENTERTAINMENT USE OR FACILITY: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving any of the following:

1. Persons (that may include, but are not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors, or others) appearing in a state of nudity.

2. Live performances that are characterized by the exposure of "specified anatomical areas" or simulated or actual "specified sexual activities."

3. Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

An Adult Live Entertainment Use or Facility shall be considered an Adult Business for the purpose of this Ordinance.

ADULT MOTEL: A hotel, motel, or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction of "specified sexual activities" or "specified anatomical area;" and/or

2. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An Adult Motel shall be considered an Adult Business for the purpose of this Ordinance.

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction of "specified sexual activities" or "specified anatomical area" are regularly shown. An Adult Motion Picture Theater shall be considered an Adult Business for the purpose of this Ordinance.

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or "specified sexual activities." An Adult Theater shall be considered an Adult Business for the purpose of this Ordinance.

AGENT OF OWNER: Any person who can show notarized written proof that he or she has authority to act for a property owner.

AGRICULTURAL BUILDING: An accessory structure on agricultural land, associated with an agricultural operation, designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner or lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. An agricultural building shall not include a dwelling.

AGRICULTURAL OPERATION AND PRODUCTS PROCESSING: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AIR POLLUTION: The presence in the outdoor atmosphere of any form of contaminant in such place, manner, or concentration inimical of which may be inimical to the public health, safety, or welfare, or that is, or may be, injurious to human, plant, or animal life, or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.

AIRPORT: An area of land designed and set aside for the take-off and landing of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY: A public thoroughfare or right-of-way that affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

AMENDMENT: A change to the zoning ordinance that includes revisions to the text and/or the official zoning map. The authority for any amendment lies solely with the Borough's Governing Body.

ANIMAL HOSPITAL OR VETERINARY CLINIC: A veterinary establishment for the care and treatment of small animals, including household pets. Boarding of animals shall only be permitted during their period of recovery. The operation of a crematorium in conjunction with the euthanasia of the animals shall be permitted.

APARTMENT: An apartment is a self-contained housing unit within a larger building or complex, typically rented, with private living spaces such as a bedroom, bathroom, kitchen, and living area. It's designed for residential use and may share common areas like hallways or amenities with other units.

APPLICANT: A person submitting an application for development, including his or her heirs, successors, and assigns.

APPURTENANCES: The visual, functional, or ornamental objects accessory to and part of buildings.

ARCHITECTURAL APPEARANCE, EXTERIOR: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

ASSISTED-CARE APARTMENT UNIT: A secondary dwelling unit established for the care of an infirmed, aged, or ill relative, and in conjunction with and clearly subordinate to the primary, single-family detached dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ASSISTED-LIVING FACILITY AND PERSONAL CARE HOME: A residential facility operated by a legal entity holding a certificate of compliance (license) issued by the Commonwealth permitting the operation of the personal-care home according to appropriate program licensure or approval regulations, in which food, shelter, and personal assistance or supervision are provided for a period of at least fourteen (14) days for four (4) or more aged adults who do not require hospitalization or skilled or intermediate nursing care, or the services in or of a Commonwealth-licensed long-term-care facility, but who do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration. Assisted-living facilities and personal-care homes shall not be considered abused person shelters, or drug or other treatment centers as defined by this Ordinance.

ATTIC: The part of a building that is immediately below, and wholly or partly within, the roof framing.

AUTO REPAIR AND SERVICE STATION, AUTO BODY SHOP AND CAR WASH: Buildings and land areas where major activities are the mechanical repair of motor vehicles and their parts, the straightening and repair and replacement and painting of structural parts and/or the washing and cleaning of motor vehicles. The retail sale of gasoline, oil, grease, and other supplies and accessories may be conducted as accessory to the major activities.

BAKERY AND CONFECTIONERY PRODUCTS: A baking establishment that manufactures quantities of goods for retail sale on-site or off the premises.

BANK: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BANQUET FACILITY: An establishment that is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on-premises consumption only during scheduled events not open to the public; and, outdoor gardens or reception facilities.

BASEMENT: An enclosed floor area partly or wholly underground, other than a building that is completely underground. A basement shall be considered a "story" if:

1. the majority of the basement has a clearance from floor to ceiling of six feet (6') or greater, and the roof of the basement is an average of four (4') or more feet above the finished grade of the front side of the building facing onto a street; OR

2. the basement forms the primary portion of a dwelling unit.

BAY: A compartment or space used for storage. In terms of garage or carport bays, the space used to store one (1) vehicle.

BED AND BREAKFAST INN: An owner-occupied, single-family dwelling, in which one (1) or more rooms are rented for lodging and serving of breakfast (but no other meals), designed primarily for

casual and transient roomers, and where no restaurant is maintained and no cooking facilities are provided in any room.

BOARD: The Zoning Hearing Board of the Borough of Blakely.

BOROUGH COUNCIL: The Borough Council of the Borough of Blakely; the Governing Body.

BOTTLE CLUB OR B.Y.O.B. CLUB: An establishment, whether open to the public or where entrance is limited by any fee, cover charge, membership, or other similar requirement, to which patrons bring with them alcoholic liquor, alcohol, malt, or brewed beverages to be consumed or stored for consumption on the business premises, and where such business or premises is not licensed to sell alcoholic liquor or beverages.

BOUTIQUE WINERY: An agricultural processing facility and/or business that produces 100 to 5,000 cases of wine per year that includes space allocated to bottling/crushing facilities, lab and office space, tasting room, and storage. A boutique winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling.

BUFFER STRIP: A strip of land that shall be a part of the minimum setback distance or a required yard but not within an existing or required future street right-of-way and that is maintained free of any principal or accessory building or structure, driveway, parking, outdoor storage or any other use than open space.

BUILDING: A structure formed of any combination of materials that is erected on the ground and permanently affixed thereto, and designed, intended, or arranged for the housing, shelter, enclosure or structural support of persons, animals, or property of any kind. Any structure such as, but not limited to, those having a roof supported by columns, piers, or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, or other structures on wheels, or having other supports; and, any unroofed platform, terrace or porch having vertical face higher than three (3') feet above the level of the ground over or upon which said structure is located. Private, accessory outdoor recreational equipment on residential lots shall not be considered a building.

BUILDING AREA: The total area taken on a horizontal plane of the ground floor plus any projections of the principal building and all accessory buildings, exclusive of uncovered porches, decks, terraces and steps.

BUILDING COVERAGE: The ratio obtained by dividing the ground floor area plus any projected area of all principal and accessory buildings on a lot (including covered porches, carports and breezeways, but excluding uncovered, open patios, porches and paved terraces) by the total area of the lot upon which the buildings are located.

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

BUILDING HEIGHT: The vertical distance of a building or structure measured from the average finished ground elevation along the entire perimeter of the building or structure, to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambol roofs.

BUILDING LINE: The line of a structure or building existing at the effective date of this ordinance or the legally established line that determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

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

BUILDING SETBACK LINE: The line within a lot or parcel defining the required minimum distances between any structure and the adjacent street right-of-way or boundary line of any lot.

The setback shall be measured from the edge of any street right-of-way bordering or within the lot or parcel. Setback distances shall not be measured nor minimum required setback distance met within any existing width or proposed or required future width of any public or private street right-of-way.

BULK: The term used to describe the size of buildings or other structures and their relationship to one another to open areas such as yards, and to lot lines. The term includes:

1. The size, including height and floor area, of the building or other structure.

2. The relation of the number of dwelling units in a residential building to the area of the lot.

3. The relation of buildings and other structures to areas in open yards.

BULK FUEL STORAGE: Facilities for the storage of hazardous liquids or gases that require approval of applicable state or Federal agencies.

CAFÉ OR COFFEE HOUSE: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

CALIPER: The diameter of the main trunk of a tree. Caliper measurement shall be taken at a point on the trunk six inches (6") above the natural ground line for trees up to four inches (4") in caliper and at a point twelve inches (12") above the natural ground line for trees over four inches (4") in caliper.

CAMPGROUND: A planned development, under single ownership, for rental or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, including central water supply and central sanitary sewage disposal with or without recreational and/or service facilities.

CARPORT: An open space for the storage of one (1) 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 or an accessory structure to which the carport is an extension.

CEMETERY: Land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbariums, crematories, and mortuaries.

CERTIFICATE OF ZONING COMPLIANCE: The certificate, also referred to as an Occupancy Permit, issued by the Zoning Officer after he or she has inspected any structure, building, sign, land-use, and/or land for which a zoning permit was issued in order to determine compliance with the terms of the permit and the zoning ordinance before the structure, building, sign, land-use, and/or land or portion thereof can be lawfully used and/or occupied.

CHILD DAY CARE: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school or preschool. The following types of child day care are permitted without regulations by this Ordinance:

1. Care of children by their own relatives,

2. Care of children within a place of worship during regularly scheduled weekly religious services, and

3. Care of one (1) to six (6) children within any dwelling unit, in addition to children who are relatives of the care giver.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUSTER DEVELOPMENT: A residential cluster developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open-space as an appurtenance. Such common or public open-space shall be assured of continued maintenance either through the dedication of such area to the Borough and the Borough's acceptance of it, or through the creation of a homeowners' association, or the developer's acceptance of the responsibility including legally binding agreements as may be required to achieve such assurances.

COLLEGE OR UNIVERSITY: An institution for post-secondary education, public or private, offering courses in general or religious education and not operated for profit. This use does not include trade or technical schools.

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.

COMMERCIAL OFFICES OR SERVICES: Commercial or professional establishments that provide for real estate sales, rentals or leasing; business, professional, and technical services; personal services; and pet and animal services, except animal hospitals or veterinary clinics.

COMMERCIAL VEHICLE: A motor vehicle that has a gross weight greater than six thousand (6000) pounds and is primarily used for business purposes.

COMMISSION: The Planning Commission of the Borough of Blakely.

COMMUNICATIONS ANTENNA: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING: An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty (250) square feet.

COMMUNICATIONS TOWER: A structure other than a building, such as a monopole, self-supported or guyed tower, designed and used to support communications antennas.

COMMUNICATIONS TOWER, HEIGHT OF A: The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNICATIONS TOWER, MINI: A communications tower, as defined by this ordinance, that does not exceed a height of fifty feet (50'), and no attached communications antenna shall extend more than five feet (5') above the top of the tower.

COMPATIBILITY, COMPATIBLE: The consistency, or of a consistency, of characteristics of different uses, structures, activities, or design that allow them to be located near or adjacent to each other in harmony. Elements affecting compatibility include, but are not limited to, height, scale, mass and bulk of structures, building placement, orientation, siting, and exterior architectural appearance.

COMPREHENSIVE PLAN: A Comprehensive Plan (overall program) consists of maps, charts, textual matter, and indicates the recommendations of the planning commission for the continuing development of the Borough. The comprehensive plan includes but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicated the relationship of the Borough and its proposed development to the adjacent municipalities and areas.

CONDITIONAL USE: A use allowed, with permission of the Borough Council, to occupy and use land and/or a building for specific purposes in accordance with this Ordinance.

CONDOMINIUM: A type of resident development in which:

1. the dwelling units are individually owned; and,

2. all or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P.L. 196 and in accordance with the provisions for open space, roads, or other development features as specified in this Ordinance and the Borough's Subdivision and Land Development regulations.

CONSTRUCTION: Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition for public rights-of-way, structures, utilities, or similar property.

CONTRACTOR'S OFFICE AND YARDS: Any land or buildings used primarily for the conducting of business and/or storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

CONVENIENT STORE: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

CORRECTIONAL FACILITY: A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of municipal or state law enforcement, and the facilities are typically government owned.

CREMATORIUM: A facility containing properly installed, certified apparatus used exclusively for the disposal by incineration of the bodies of deceased humans or animals.

CULTURAL FACILITY: A library, gallery, museum, or similar use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CURATIVE AMENDMENT: A proposed zoning amendment made to the Governing Body by any landowner who desires to challenge on substantive grounds the validity of an Ordinance that prohibits or restricts the use or development of land in which he has an interest.

DAM: Any man-made structure that is or may be used to impound water.

DATA COLLECTION UNIT (DCU): A cabinet-type facility that can be attached to an existing or proposed utility pole or a similar pole.

DATA CENTER: A building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A data center may include data center accessory uses/buildings.

DATA CENTER (MAJOR and MINOR): Major-Data Center with a gross floor area over 10,000 Sq. Ft., Minor-Data Center with a gross floor area under 10,000 Sq. Ft.

DATA CENTER ACCESSORY USES: Include uses generally appurtenant to the operation of a data center, including utilities, utility lines, electrical substations, pump stations, water towers, mechanical equipment, environmental controls (air conditioning or cooling towers, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections, and high security, when located on the same tract or assemblage of adjacent parcels developed as a unified development for a data center.

DECK: An accessory structure, without a roof and constructed of any material, attached to a principal building or freestanding that is supported by pillars or posts.

DEMOLITION: A dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DENSITY: A measure of the number of dwelling units that occupy, or may occupy, an area of land.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development.

DISTRIBUTED ANTENNA SYSTEM (DAS): A set of antenna nodes networked with each other and connected to a wireless service source comprised of one or more high-power antennas that serve a given area and are replaced by a group of low-power antennas to serve the same geographic area. Also referred to as "micro cell."

DISTRIBUTION CENTER: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service.

DISTRICT OR ZONING DISTRICT: A portion or portions of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DORMITORY: Residential facilities that are only inhabited by teaching faculty and/or full-time students of an accredited college, university or medical training facility or state-licensed teaching hospital, or to an accredited public or private elementary or secondary school, and that are owned and operated by such principal use to which the dormitories serve.

DRIVEWAY: A privately owned and constructed vehicular access from an approved private or public road into a lot having frontage on said road.

DRUG PARAPHERNALIA: Any objects, devices, instruments, apparatus, or contrivances whose primary and traditionally exclusive use is involved with the illegal use of any or all controlled substances under Commonwealth law.

DRUG TREATMENT FACILITY: A facility operated for any or all of the following purposes (other than a permitted accessory use in a hospital): providing education, counseling therapy, treatment or rehabilitation for drug and/or alcohol addiction of adolescents or adults whether as inpatients or

outpatients. The term shall include a Methadone Treatment Facility as licensed by the PA Dept. of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons.

DWELLING/DWELLING UNIT: A building or structure or portion thereof designed for occupancy by one family as a single housekeeping unit and containing complete sanitary and kitchen facilities. In no case shall a motor home, recreational vehicle, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

DWELLING TYPES:

1. RESIDENTIAL CONVERSION UNIT: A structure or building changed from a non-residential use, occupancy, or purpose into, or adapted to, a residential dwelling unit or units.

2. SINGLE-FAMILY DWELLING: A structure or building designed for and occupied exclusively by one family, detached from all other structures and surrounded by yards.

3. TWO-UNIT ATTACHED DWELLING: A building or structure containing two individual side-by-side dwelling units sharing one roof, but each unit having separate front and rear entrances.

4. DUPLEX: A building or structure containing two individual dwelling units that are divided horizontally with each unit having a separate entrance from the outside or through a common vestibule.

5. MULTI-FAMILY DWELLING: A building or structure containing three (3) or more dwellings. Multi-family dwelling structures shall include garden apartments.

6. TOWNHOUSE: A building or structure consisting of not less than three (3) or more than six (6) dwelling units each, with no other dwelling or portion of other dwelling directly above or below, each dwelling unit of which having direct ground level access to the outdoors and connected to the other dwelling units by a single party wall with no opening.

7. GARDEN APARTMENT: An apartment building located on a lot, either singly or together with other similar apartment buildings, having no more than eight (8) units per building and substantial landscaped open-space adjacent to the building(s).

EASEMENT: A right-of-way granted, but not dedicated, for limited use of private land for private, public, or quasi-public purposes.

ENERGY STORAGE FACILITY: A facility used within an electrical power grid and as a method to collect, store, and discharge electrical energy.

ENVIRONMENTALLY SENSITIVE AREAS: Areas that have ecological importance, including but not limited to 100-year floodplains, slopes over twenty-five percent (25%), and wetlands.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association or establishment that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency shall be considered an Adult Business for the purpose of this Ordinance.

ESSENTIAL SERVICES: Municipal or utility facilities that do not require enclosure in a building including the construction or maintenance of gas, electrical, steam, telephone, sewage collection systems, or water distribution; including equipment such as poles, towers, tanks, wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, communications antennas and towers, utility company offices, storage of trucks or equipment and bulk storage, and any communication devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. An essential service requiring enclosure in a building shall be classified as a Semi-Public Building or Use.

FALL ZONE: A radial setback distance measured outward from the base of any Communications Towers, Wind Turbines, or similar support structures, a distance equal to one and one-half (1-1/2) times the Height (as defined by this Ordinance) of the structures (i.e. A tower with a height of 100' would require the establishment of a 150' fall zone.)

FAMILY: Any number of related or unrelated persons living together as a single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit. A family shall also include unrelated persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if such occupants are handicapped, as defined under Group Home in this Ordinance. A family does not include a group living in a boarding house or hotel, fraternities, sororities, and clubs, or other forms of congregate living arrangements, such as nursing homes and personal care homes.

FARM STAND: An accessory structure, temporary or permanent, used for the display and sale of unprocessed agricultural produce or products and home-processed food products, such as jams, jellies, baked goods, and home-made handicrafts. A farm stand also includes any cart, table, equipment or apparatus that is not a structure and intended so as to not be a permanent fixture on a lot used for the display and sale of unprocessed agricultural produce or products and home processed food products such as jams, jellies, baked goods, and home-made handicrafts.

FELLING: The act of cutting a standing tree so that it falls to the ground.

FENCE: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and that is constructed of wood, chain-link metal, fiberglass, vinyl, aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted as needed in all districts. The terms "fence" and "wall" do not include hedges, trees, or shrubs.

FLAG LOT: A lot so shaped and designed that the main building site area is directly to the rear of another lot, set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

FLEA MARKET: A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

FLOODPLAIN: A relatively flat or low land area adjoining a river, stream, or watercourse that is subject to partial or complete inundation once in every one hundred (100) years, and designated by the Federal Emergency Management Agency as land within a 100-year flood boundary (Zone A).

FLOOR AREA OR GROSS FLOOR AREA: The total area of all floors as measured to the outside surfaces of exterior walls, or from the centerline of party walls separating two buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.

FLOOR AREA RATIO: The total floor area allowable on a given lot divided by the area of that lot.

FOOTCANDLE: A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, also known as a foot-candle 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.

FRATERNAL, CIVIC, OR SOCIAL CLUB: An establishment operated for social, community-oriented or educational purposes, open only to members and not usually open to the general public.

FRATERNITY OR SORORITY HOUSE: A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.

FUNERAL HOME OR MORTUARY: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home or mortuary, as defined for purposes of this Ordinance, may contain space and facilities for:

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

2. Performance of autopsies and other surgical procedures;

3. Storage of caskets, funeral urns, and other related funeral supplies;

4. Storage of funeral vehicles.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.

GARAGE OR YARD SALE: The accessory use of a residential lot for the occasional sale or auction of only used common household goods and furniture and items of a closely similar character that were used by the occupants of the residential lot.

GATE: A movable frame or solid structure that swings, slides, lifts, or rolls, controlling ingress and egress through an opening in a fence, wall, or vegetation.

GAZEBO: An accessory use consisting of a detached, covered, freestanding, open-air structure.

GENERAL NUISANCE: Any use considered to be inconsistent with the public comfort, convenience, health, safety, and general welfare. The following factors are included:

1. Fire and explosive hazards
2. Electrical and radioactive disturbances
3. Noise and vibration
4. Dust, dirt, fly ash
5. Glare
6. Smoke, odors
7. Other forms of noise and air pollution not listed above

GENERATOR (FUEL OR BATTERY POWERED): A machine designed to produce electricity by converting mechanical energy into electrical energy through the combustion of natural gas, propane, diesel fuel, or gasoline. Such generators may be permanently installed or portable, and are commonly used to provide emergency, standby, or supplemental power when utility service is unavailable or insufficient. For the purposes of this ordinance, the term includes all associated equipment, including fuel storage tanks, enclosures, and connection systems, and does include photovoltaic (solar), wind, energy storage facility or other renewable energy systems. Generators shall not be used for primary power only as a backup to the borough electrical distribution system.

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 the Borough of Blakely.

GREENHOUSE, COMMERCIAL: A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution or retail sales. Commercial greenhouses may also include associated structures for office space and storage.

GREENHOUSE, PRIVATE: A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for the propagation of plants for a private, residential or non-profit use.

GROUP HOME: A dwelling or use sponsored by a providing agency, regulated by the Commonwealth, and shared by two (2) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities; 2) a record of having such impairment; or 3) being regarded as having such impairment. However, such term shall not include current, illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term Group Home shall not include drug treatment centers, other types of treatment centers, or other housing facilities serving as an alternative to incarceration.

GROUP PICNIC AREA OR GROVE: An area or property consisting of two or more picnic tables to be reserved for use by ten (10) or more persons equipped with picnic tables, barbeque stands, and may also provide roofed shelters, restroom facilities, and/or outdoor recreational facilities.

GUEST HOUSE: An attached or detached accessory building used to house guests of the occupants of the principal dwelling, which is never rented or offered for rent, contains no kitchen facilities, and does not exceed five hundred (500) square feet in floor area.

HAZARDOUS MATERIALS: Garbage, refuse or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration or physical, chemical or infectious characteristics may do one of the following:

1. Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51 - 30.101). The term does not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under The Clean Streams Law (35 P.S. §§ 691.1 - 691.1001). The term does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011 - 2284).

HEARING: An administrative proceeding conducted by the Zoning Hearing Board or Borough Council pursuant to §1207 of this Ordinance and §909.1 of the Pennsylvania Municipalities Planning Code and as defined by §107 (b) of the Pennsylvania Municipalities Planning Code

HELIPAD: A facility, without the logistical support provided by a heliport, where helicopters take off and land primarily for sightseeing purposes. Helipads include launches and landings of hot air balloons but do not include facilities for maintenance, repair, fueling, or storage of helicopters or air hot balloons.

HELIPORT: An area, either at ground level or elevated on a structure, licensed and approved by the applicable state, local and federal agencies for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HIGHWAY OCCUPANCY PERMIT: A permit, issued by the Pennsylvania Department of Transportation, that authorizes access from a parcel of land onto a street or highway that is under the jurisdiction of the Pennsylvania Department of Transportation.

HOME GARDENING: The cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining a dwelling for private use or consumption.

HOME-BASED BUSINESS, MINIMAL IMPACT: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves minimal customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises and does not change the essential residential character or appearance of such structure.

HOME-BASED BUSINESS, NO IMPACT: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that 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.

HOSPITAL: An institution, licensed by the PA Department of Health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOT TUB: An artificial container of water with a liquid capacity greater than one hundred (100) gallons and designed with a mechanical air injection system and/or recirculation device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

HOTEL OR MOTEL: A building or buildings containing rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "boarding house" and

shall meet the requirements of that use. A hotel or motel may include a restaurant, banquet rooms, conference rooms, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

HOUSEHOLD PET: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs and cats, tropical birds, parrots, parakeets, canaries, hamsters, rabbits, ferrets, or fish.

HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITY: A facility immediately adjacent to a water body or watercourse that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, which store water on a temporary basis that is intended to be transported by vehicle to a natural gas well site for the purpose of hydraulic fracturing.

ILLUMINANCE: The quantity of light measured in footcandles or lux.

IMPERVIOUS SURFACE: Any non-vertical, hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, and areas of asphalt, concrete, brick, paved block, and/or compacted gravel.

INDOOR RECREATION, COMMERCIAL: A commercial recreational land use conducted entirely within a building, including but not limited to arcade, athletic and health clubs, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, and tennis and other similar courts.

INDOOR RECREATION, PRIVATE: An accessory use conducted entirely within a building used for the sole recreational enjoyment of the residences of the premises and their guests, where no fees are charged for usage or personal instruction, and not exceeding three thousand (3000) square feet in floor area. This type of use includes a bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, and tennis and other courts.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility service, setbacks, landscaped yards, and covenants controlling the architecture and uses.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions. Such uses include the processing of food, textiles and related products; wood, paper and printing products; and chemicals, metals, machinery and electronics.

INDUSTRY, LIGHT: A use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

JUNK: Any scrap, waste, refuse, reclaimable material or debris, vehicles, appliances, equipment or machinery, or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but shall not be limited to:

1. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings.

2. Used lumber, boxes, crates and pallets.

3. Used tires.

4. Other worn, deteriorated, or obsolete manufactured goods which are unusable.

5. Mobile/manufactured homes that are not in habitable condition.

6. Abandoned or junked vehicles.

Junk shall not include the following:

7. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.

8. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment, and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation and can be legitimately used for parts.

9. Construction and contractors' equipment for use as parts for equipment, and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNK YARD: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junkyards:

1. The outside storage or deposit on a lot of more than two (2) abandoned or junked vehicles; and,

2. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes, or any parts/sections thereof, that are not in habitable condition.

Vehicle sales lots managed by licensed vehicle dealers operated in accordance with this Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Borough shall not be considered junkyards.

KENNEL: Any commercial establishment where dogs, cats, and other animals are kept for the purpose of breeding, hunting, training, renting, research or vivisection, buying, boarding, sale, show, or any other similar purpose and is so constructed that animals cannot stray there from. A non-profit animal shelter shall be considered a type of kennel.

KITCHEN FACILITIES: A complete kitchen shall include all of the following: a sink with piped water, and provision of space and connections for a cook stove and refrigerator.

LAND DEVELOPMENT: Any of the following activities:

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

   A. 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 or;

B. The division or allocation of land or 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.

2. A subdivision of land.

3. The following shall be excluded from the definition of Land Development:

A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDING: A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LARGE-SCALE RESIDENTIAL DEVELOPMENT: A residential development planned for a site of not less than ten (10) acres. See Planned Residential Development.

LIGHT TRESPASS: Light emitted by a lighting installation that extends beyond the boundaries of the property on which the installation is sited.

LITTER: Discarded items not naturally occurring on a site, such as tires, oilcans, equipment parts, and other rubbish.

LIVESTOCK: Animals raised or kept for home consumption, profit or enjoyment, including but not limited to, cattle, sheep, hogs, goats, bison, llamas, alpacas, ostriches, peacocks, emus, other exotic outdoor birds, and poultry.

LOP: To cut tops and slash into smaller pieces to allow material to settle close to the ground.

LOT: A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a public road right-of-way.

1. Lot, Corner - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

2. Lot, Depth - The average horizontal distance between the front and the rear lot lines.

3. Lot Lines - The property lines bounding the lot.

A. Lot Line, Front - The lines separating the lot from an abutting, existing or proposed street right-of-way. In the case of a lot that does not have direct frontage on an existing street right-of-way that lot line nearest the street right-of-way line shall be considered the front lot line. In case of a corner lot, both street frontages are considered to be front lot lines and the remaining lines are side lines.

B. Lot Line, Rear - The lot line opposite and most distant from the front lot line.

C. Lot Line, Side - Any lot line other than a front or rear lot line.

D. Lot Line, Street or Alley - A lot line separating the lot from a street or alley.

4. Lot Width - The horizontal distance between the side lot lines measured:

   A. In the case of lots fronting on a cul-de-sac, along a chord perpendicular to a radial line located equi-distant between the side lot lines, the said chord shall intersect the radial line at a point located a distance from the right-of-way line equal to the prescribed minimum front yard setback as set forth in this ordinance.

   B. In the case of all other lots along a line parallel to and at a distance equal to the prescribed minimum front yard setback as set forth in this ordinance.

5. Lot Area, Gross - the computed area contained within the lot lines.

6. Lot Area, Net – the computed area contained within the lot lines minus any areas within existing or proposed public or private road rights-of-way.

LOT COVERAGE, MAXIMUM: The maximum ratio obtained by dividing the roof areas of all principal and accessory buildings plus areas of other impervious surfaces as defined by this Ordinance used for streets, driveways, parking areas, and tennis and other recreational courts (sidewalks, patios, uncovered porches, decks, and play apparatus areas are excluded) on a parcel or lot by the total area of the parcel or lot upon which located.

LUMBERYARD: An area or facility used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

LUMINANCE: The physical and measurable quantity corresponding to the brightness of a surface (i.e. a lamp, luminaire, reflecting material) in a specific area, and measurable with a luminance meter.

LUX: A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per foot-candle.

MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

MANUFACTURED HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation, including but not limited to, mobile and modular homes.

MASSAGE: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) that is related to a certain monetary compensation, and that does not involve persons who are related to each other by blood, adoption, marriage, or official guardianship.

MASSAGE PARLOR: An establishment that meets all of the following criteria:

1. "Massages" are conducted.

2. The person conducting the massage is not a state-licensed health-care professional or a state-licensed massage therapist.

3. The massages are not conducted within a licensed hospital, nursing home, personal-care center or office of a medical doctor or chiropractor.

4. The massages are conducted within private or semi-private rooms.

5. The use is not clearly a customary and incidental accessory use to a permitted exercise club or high school or college athletic program.

A Massage Parlor shall be considered an Adult Business for the purpose of this Ordinance.

MAUSOLEUM: A building containing above-ground tombs.

MEDICAL CLINIC: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, and administration.

MEDICAL MARIJUANA FACILITY: A facility or use of land established pursuant to the Medical Marijuana Act (PA Act 16 of 2016) including Academic Clinical Research Centers, Medical Marijuana Growers/Processors, Transport Vehicle Offices and Dispensaries. (See Article IX-B for additional definitions.)

MINERAL OR NATURAL RESOURCE EXTRACTION (Including Reclamation): The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, culm, or iron ore. The routine movement of and replacement of topsoil during construction shall not be considered mineral extraction.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, and oil and gas.

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

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land that has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME: Unlike a mobile home, a modular home is not manufactured with a permanent hitch or other device to allow re-transport of the unit and does not have wheels or axles permanently attached to its body or frame. A modular home is a prefabricated residential structure constructed in sections (modules) in a factory, then transported to a site where the modules are assembled on a permanent foundation to form a complete house. Built to meet local building codes, modular homes are typically customizable, can be single- or multi-story, and are designed to be indistinguishable from site-built homes once completed.

NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

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

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

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

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall be considered an Adult Business for the purposes of the Ordinance.

NUDITY OR A STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breasts.

NURSERY: A commercial operation that conducts the retail and/or wholesale sale of plants, trees, or shrubs grown on the site, as well as accessory items such as pots, potting soils, fertilizers, etc., directly related to their care and maintenance.

NURSERY SCHOOL OR PRESCHOOL: A facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

NURSING HOME: A facility established for profit or nonprofit and is licensed by the Commonwealth, which provides nursing care and related medical services on a 24-hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity, but excludes a facility providing surgical or emergency medical services and excludes a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or recorded matter that depicts or describes any "specified anatomical areas" and/or "specified sexual activities."

OFF-SITE ADVERTISING SIGN OR BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is located, or to which it is affixed.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well. (See Article IX-A for additional definitions.)

OPEN SPACE, COMMON: A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

OPEN SPACE, PUBLIC: Common open space owned by a government agency or the Borough for public recreation.

OPEN SPACE RATIO: A measure of the intensity of land use, determined by dividing the total of all open space areas contained within a site by the gross site area.

OPERATOR, FORESTLAND: An individual, partnership, company firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

OUTDOOR EXHIBITIONS, SPORTS ASSEMBLY, ENTERTAINMENT, AND AMUSEMENTS: Publicly or privately operated facilities such as stadiums, racetracks, arenas, field houses, cart tracks, miniature golf courses, amusement parks, zoos, and similar sports, exhibitions, and amusement uses.

OUTDOOR FURNACE: Any device, contrivance or apparatus or any part thereof, including but not limited to a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney smoke pipe, exhaust conduit and like devices, that is installed, affixed or situated outdoors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed there from by conduit or other mechanism into any interior space for the supply of heat or energy.

OUTDOOR RECREATION AND SPORTS: Commercial or membership-only sports or recreational uses conducted outdoors such as tennis, golf, boating, canoeing, hunting, fishing, skiing, outdoor shooting range, golf driving range, archery, and similar participation activities.

OWNER: The person who holds the fee simple title to a property, and the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

OWNER, FORESTLAND: An individual, partnership, company, firm, association, or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any matter, and any agents thereof acting on there behalf, such as forestry consultants, who set up and administer timber harvesting.

PA DEP: The Pennsylvania Department of Environmental Protection.

PARKING FACILITIES: Parking facilities shall consist of areas used for the storage of vehicles or of specially designed buildings or garages used for the same purposes. Private parking facilities shall be restricted to use by persons resident on the premises or residing in the immediate vicinity of such facility or by their guests. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.

PATIO: An area designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side that may adjoin a structure or for any fences, shrubs or hedges. Outdoor areas enclosed by a permanent roof shall be considered to be a structure.

PENNDOT: The Pennsylvania Department of Transportation.

PERMANENT FOUNDATION: A cement, concrete, treated wood, or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation. The construction of permanent foundations shall be done in accordance with the Uniform Construction Code as amended.

PERMIT: A document issued by Blakely Borough authorizing an applicant to undertake certain activities.

1. Building Permit - A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Permit Ordinance or Construction Code that may be adopted by the Borough and authorizing an applicant to commence with said construction, alteration or

reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this Ordinance.

2. Zoning Permit - A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said use, building or structure.

3. Occupancy Permit - A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. See also, Certificate of Zoning Compliance.

PERMITTED USE: Any use that does not require special action by the Governing Body, Zoning Hearing Board, or Planning Commission before a building and/or zoning permit is granted by the Zoning Officer. A use permitted by right in a designated zoning district(s).

PERSONAL SERVICES: Places primarily providing services oriented to personal needs that do not involve retail sales or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

PERVIOUS CONCRETE OR ASPHALT PAVEMENT: A cast-in-place, Portland cement-based concrete or asphalt pavement surface designed to permit the percolation of a percentage of water through its surface.

PERVIOUS SURFACE: Any area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground, including but not limited to vegetation, mulch, non-compacted gravel, and slatted wood.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density, lot coverage and required open space, to the regulations established in the zone districts as created by this Ordinance, and any subsequent amendments thereto.

PLANNING COMMISSION: The Planning Commission of the Borough of Blakely.

PLAT: A map, plan, or layout of a subdivision indicating the location and boundaries of individual properties.

POOL HOUSE: A detached accessory building used for recreational purposes and/or storage in association with a private swimming pool and does not exceed five hundred (500) square feet in floor area.

PORCH: A roofed or unroofed structure projecting from the front, side, or rear wall of a building that shall have no wall more than thirty inches (30”) high and that shall be open on all sides except the side adjoining the building.

PORTABLE ON-DEMAND STORAGE CONTAINER (POD): Any container, storage unit, shed-like container or other portable structure specifically made or crafted for the purpose of temporary storage that can or is used for the storage of personal property of any kind excluding hazardous materials or wastes as defined in this Section 302 and is located outside an enclosed principal structure.

POULTRY: Domesticated birds used for eggs or meat such as chickens, turkeys, ducks, or geese.

POWER FACILITY: Any plant facility and equipment, excluding Solar and Wind Energy Facilities as defined by this Ordinance, for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT: A forest practice, such as thinning or pruning, that results in better growth, structure, species composition, or health for the residual stand but that does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small, or otherwise of limited marketability or value.

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

PROFESSION: Includes any occupation or vocation in which a professed knowledge of some department of science or learning is used by its practical application to the affairs of others, either advising, guiding, or teaching them and in serving their interest or welfare in the practice of an art founded on it. The work implies attainments in professional knowledge as distinguished from mere skill and the application of such knowledge to uses for others as a vocation. It requires knowledge of an advanced type in a given field of science or instruction and study.

PROFESSIONAL OFFICE: Professional offices shall include the office of a physician, dentist, optometrist, minister, architect, landscape architect, community planner, engineer, insurance agent, realtor, accountant, lawyer, chiropractor and similar practitioners licensed by the Commonwealth of Pennsylvania and/or the United States Government.

PROPERTY LINE: A recorded boundary of a lot. However, any property line that abuts a "street" or other public or quasi-public way shall be measured from the full right-of-way.

PUBLIC BUILDING OR USE: Any structure, building, or use owned and operated by a government body or agency including such uses as public elementary and secondary schools, municipal buildings, police stations, post offices, tourism promotion and welcome centers, but excluding solid-waste disposal facilities, recycling centers, parks, correctional facilities, nursing homes, hospitals, and other public service uses specifically defined by this Ordinance.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to the notice under the act of July 3, 1986 (PL 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC PARK: A natural or landscaped area, buildings or structures, provided by a unit of government, to meet the active or passive recreational needs of people. Playgrounds shall be considered public parks that provide recreational needs primarily to children.

PUBLIC UTILITY TRANSMISSION TOWER: A structure, owned and operated by a public utility electric company regulated by the Pa. Public Utility Commission, designed and used to support overhead electricity transmission lines.

RECREATIONAL VEHICLE: A vehicle that is designed primarily to transport a person for primarily recreational instead of transportation purposes, or a vehicle that serves as a mobile, temporary dwelling. This may include a vehicle that is self-propelled, towed, or carried by another vehicle, but shall not include camper cabs that fit over pickup trucks. This term shall also include the following:

watercraft other than canoes with a hull longer than 12 feet, motor homes, travel trailers, all-terrain vehicles, and snowmobiles.

RECYCLING FACILITY: An establishment for the drop-off, processing, separation and/or collection of recyclable materials from solid wastes.

RELATED OR RELATIVE: Persons who are related by blood, marriage, adoption, or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law, or first cousin. This shall not include relationships such as second, third, or fourth cousins.

RELIGIOUS INSTITUTION: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, meeting hall, offices for administration of the institution, banquet facility for use by congregation members only, licensed child or adult daycare, and playground.

RESEARCH LABORATORY: A use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.

RESORT OR CONFERENCE CENTER: A building(s) located on a lot combining lodging of members and guests, service of food, retail sales of commodities and services, facilities for educational activities and/or business meetings, and recreation.

RESTAURANT: An establishment in which the principal use is the preparation and sale of food and beverages, whether the food and beverages are consumed on-site or not.

RETAIL BUSINESS: An establishment offering the sale or rental, with incidental service, of commonly used goods and merchandise for personal or household use, but excludes those retail businesses classified more specifically by definition in this Ordinance.

RETAINING WALL: Any fence or wall built or designed to retain or restrain lateral forces or soil or other materials, said materials being similar to the height of the wall on one side.

RETIREMENT HOUSING: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens (age 55+). Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care.

ROOMING AND BOARDING HOUSE: A residence or building other than a motel or hotel where, for compensation and by prearrangement for definite periods of thirty (30) days or more, lodging and meals are provided for two (2) or more persons. A college fraternity or sorority house used as a residence shall be considered a type of boarding house, but a boarding house shall not include a use that meets the definition of the following: drug or other treatment center, abused person shelter, hotel, dormitory, motel, personal care facility, bed and breakfast inn, group home or nursing home.

SANITARY LANDFILL: A lot or land or part thereof used primarily for the disposal of garbage, refuse, and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: 1) depositing the discarded material in a planned controlled manner, 2) compacting the discarded material in thin layers to reduce its volume, 3) covering the discarded materials with a layer of earth, and 4) compacting the earth cover.

SATELLITE DISH ANTENNA: A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

SAWMILL: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCREEN PLANTING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by densely planted vegetation.

SELF-STORAGE FACILITY: A building(s) containing separated spaces to be leased or rented to individuals and/or businesses for the storage of personal belongings, goods, or supplies.

SEMI-PUBLIC BUILDING OR USE: Buildings or uses operated by nonprofit, community-based organizations including fire and ambulance stations, private elementary and secondary schools, and essential services that require enclosure within a structure or building.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A Sexual Encounter Center shall be considered an Adult Business for the purpose of this Ordinance.

SEWAGE DISPOSAL SYSTEM, CENTRALIZED: A publicly or privately owned and operated utility system or other system designed to collect, centrally treat and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, COMMUNITY: A publicly owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment or disposal of the sewage on one or more of the lots or at any other site, by on-site (into the soil) disposal techniques in compliance with regulations of the appropriate agency and of the Borough.

SEWAGE DISPOSAL SYSTEM, INDIVIDUAL: A utility system or other system designed for the collection, treatment and disposal of from a single lot into the soil or into waters of the Commonwealth, or for conveyance to another site for final disposal.

SHED: An accessory structure used primarily for storage purposes, of a wall height no greater than eight feet (8') and that does not exceed one hundred fifty (150) square feet in floor area.

SHOPPING CENTER, MALL OR PLAZA: A group of six (6) or more retail and other commercial establishments that is planned, owned, and managed as a single-property with on-site parking. The two main configurations of a shopping center are malls and open-air strip plazas.

SHORT TERM RENTAL (STR): A dwelling unit, or portion thereof, that is rented to guests for a period of less than thirty (30) consecutive days. STRs may include the rental of an entire dwelling and are typically offered through online platforms or by direct owner/agent arrangements. Owner-Occupied Short-Term Rental: An STR where the property is the owner's primary residence and the owner is present on-site during the rental period. Non-Owner-Occupied Short-Term Rental: An STR where the property is not the owner's primary residence or the owner is not present during the rental period.

SIGN: Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs. (See Article IX for additional definitions.)

SIGNIFICANT STOCK AND TRADE: Twenty-five percent (25%) or greater of the floor area, gross sales, or dollar value of inventory of any commercial establishment.

SITE ALTERATION: Site alterations shall include re-grading the existing topography, filling lakes, ponds, marshes or flood plains, removing ground cover or altering water courses.

SKIDDING: Dragging trees on the ground from the stump to a landing by any means.

SLASH: Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SLAUGHTERHOUSE: A facility for the for-profit slaughtering and processing of animals and the refining of their byproducts.

SOCIAL SERVICE AGENCY: A facility, other than an office, providing a social service directly to the local community, including but limited to food banks, blood banks, life-skills training, job training, hotline centers, veterans affairs, emergency shelters, elderly or disabled services, and crisis centers. This type of use does not include drug treatment centers or other types of treatment centers as defined by this Ordinance.

SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLID WASTE OR WASTE: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial, or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations. Local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

SOLID WASTE FACILITY: Any facility operated either publicly or privately pursuant to the laws of the Commonwealth of Pennsylvania governing the management, incineration and disposal of solid waste including, but not limited to: liquid, solid, toxic, hazardous, infectious and medical waste.

SPECIAL ANATOMICAL AREAS: Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areoles.

2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIAL EXCEPTION: The granting of a modification of the provisions of this Ordinance as authorized in specific instances listed, and under the terms, procedures, and conditions prescribed herein. Special exceptions are administered by the Zoning Hearing Board.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

3. Masturbation, actual or simulated.

4. Excretory functions as part of or in connection with any of the activities set forth in 1, 2, and 3 of this definition.

STABLE: A structure and/or land use in or on which equines are kept for personal use, sale or hire to the public. Breeding, boarding, or training of equines and on-site riding trails may also be conducted.

STAGING AREA: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

STAND: Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STORAGE STRUCTURE: An accessory structure that is used for storage and does not have a door or other entranceway into a dwelling unit, is greater than one hundred fifty (150') square feet in floor area, and does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

STORY (AND HALF-STORY): A level of a building routinely accessible to humans having an average vertical clearance six feet (6') or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than six feet (6') shall be considered a "half-story."

STREET: A public or private thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

STREET RIGHT-OF-WAY LINE: The dividing line between the street and lot, also known as the street line or front lot line.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include:

1. buildings; dwellings; mobile and manufactured homes; garages; sheds; barns and other agricultural structures; gazebos; carports; non-motorized or decommissioned rail cars, airplanes, helicopters, and military equipment; having a total floor or ground coverage area of greater than one hundred (100) square feet.
2. swimming pools
3. walls, excluding retaining walls
4. fences
5. tennis and other outdoor recreational courts, having an impervious play area of two thousand (2000) square feet or greater
6. towers and masts
7. signs
8. billboards

Accessory outdoor recreational equipment, such as pop-up tents and children's play or swing sets, shall not be classified as a structure.

SUBDIVISION: The division or subdivision 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 divesees, 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 ten acres, not involving any new street or easement or access or any residential dwelling, shall be exempted.

SWIMMING POOL: A structure, whether above or below grade level, designed to hold water more than twenty-four inches (24") deep to be used for recreational purposes, requiring water filtration, circulation, and purification; braces or supports; and is not capable of being readily relocated and stored away during non-swimming seasons.

TAVERN: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.

TEMPORARY USE: A use accessory to a permitted use that operates at a fixed location for a temporary period of time, including but not limited to contractors' offices; equipment sheds; real estate sales offices; temporary shelters; temporary portable on-demand storage containers; and outdoor festivals; carnivals; celebrations; country, craft, or county fairs; block parties; or picnics, held in conjunction with profit or non-profit organizations. Outdoor parties, celebrations, or special events held on the grounds of private residences by the residents of said property, where no fees are charged or collected or are held for charitable, educational, or political fundraising, shall not be considered a temporary use and shall not be subject to specific-use requirements set forth in §765 of this Ordinance.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

THROUGH LOT: A lot extending between and having frontage on two streets.

TIMBER HARVESTING, TREE HARVESTING, OR LOGGING: That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP: The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

TRACTOR-TRAILER, TRACTOR OF A: A truck with a minimum of three (3) axles that is intended to a pull a trailer, as defined below, and not to carry goods itself.

TRACTOR-TRAILER, TRAILER OF A: A commercial vehicle twenty feet (20') or more in length that is not self-propelled, intended to haul materials, vehicles, goods, gases, or liquids, and intended to be pulled by a tractor, as defined above. This definition does not include recreational vehicles.

TRADE AND TECHNICAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum, including but not limited to beauty schools, business management, computer training, driving education, fine and performing arts education, modeling school, and sports and recreation education.

TRANSIT-RELATED BUSINESS OR FACILITY: A business or facility owned, used, constructed, maintained, controlled, or operated to provide public or mass transportation for passengers. This

use also includes the storage and/or maintenance of any motor driven fleet associated with the business, including but not limited to chartered, school, shuttle, special needs, local transit, and interurban buses; taxis and limousines.

TREATMENT CENTER: A use (other than a drug treatment center or permitted accessory use in a hospital) providing treatment for persons who need specialized care and/or counseling as outpatients or inpatients for either of the following:

1. Criminal rehabilitation, such as a criminal half-way house/transitional living facility or a treatment/housing center for persons convicting of driving under the influence of alcohol.

2. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

UNIFORM CONSTRUCTION CODE (UCC): The Pennsylvania Construction Code Act, Act 45 of 1999 as amended; the statewide building code.

USE: The specific purpose for which land or a building is designed, 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.

VARIANCE: Permission granted by the Zoning Hearing Board, following a hearing that is properly advertised, for an adjustment to some regulation that, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

WALL: A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

WAREHOUSE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of inflammable or explosive materials that present hazards or commonly recognized offensive conditions.

WASTEWATER TREATMENT FACILITY, NON-MUNICIPAL: A non-municipal facility not located on the same parcel where the wastewater is generated that is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas), nutrients, organics, solids, radionuclides, or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim pounds for oil/water separation, water clarifiers, sludge de-watering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps, and other appurtenances.

WATER BODY: A natural or manmade lake, pond, or reservoir.

WATERCOURSE: A natural or constructed drainage way for water, including permanent and intermittent streams.

WATER SUPPLY SYSTEM, CENTRALIZED: A public utility system or other centralized water supply system designed to transmit water from a common source to users, in compliance with the requirements of the appropriate State Agency or regulations of the Borough, whichever may be more stringent. Any system not deemed a centralized water supply system shall be deemed an on-lot system.

WETLANDS: Those areas, as regulated by PA DEP and the U. S. Army Corps of Engineers, that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to

support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

WHOLESALE BUSINESS: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY FACILITY: A facility where one (1) or more wind turbines or windmills and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity that is used on-site for commercial purposes, that is used off-site for any purpose, or that is sold on the open market. A wind turbine or windmill accessory to a principal structure that is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a wind energy facility but shall meet all applicable accessory use requirements in this Ordinance.

WIND TURBINE OR WINDMILL: A wind energy conversion system that converts wind energy into electricity using a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

WIND TURBINE OR WINDMILL HEIGHT: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WINDOW: An opening to the outside other than a door that provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window regarding provision of natural light.

WINE-TASTING ROOM: A facility devoted to the sampling and sales of wine or beer produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

YARD: An open space on the same lot with a building or group of buildings that lies between the principal building or group of buildings and the nearest lot line and that is unoccupied and unobstructed from the ground upward except as herein permitted.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline. A building shall not extend into the required side yards.

ZERO LOT LINE: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZONING: The designation of specified districts within a municipality or county, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

ZONING HEARING BOARD: The Zoning Hearing Board of the Borough of Blakely.

ZONING MAP: The official Zoning Map of the Borough of Blakely, Lackawanna County, Pennsylvania.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

ZONING ORDINANCE: The Borough of Blakely Zoning Ordinance, as amended.

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

401 GENERAL DISTRICTS

For the purposes of this Ordinance and in general consistency with the Borough's Comprehensive Plan, the Borough of Blakely is divided into eleven (11) Zone Districts. They are as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Multi-Family Residential
C-1	General Commercial
C-2	Highway Commercial
M-1	Manufacturing/Industrial
I-1	Institutional
P-1	Public Uses
S-1	Special Conservation
S-2	Open Space/Conservation
FP	Flood Plain Overlay
DT	Data and Technology Overlay

402 INTENT OF ZONING DISTRICTS

R-1 Low Density Residential District

The purpose of the Low-Density Residential District is to permit single family residential development on a minimum 10,000-square-foot lots that will offer a living environment with opportunities for privacy in areas of the Borough that have the potential for larger lot developments and open space.

R-2 Medium Density Residential District

The purpose of the Medium Density Residential District is to provide a location for single family dwellings on small lots as well as a prime location for two-family dwellings and townhomes.

R-3 Multi-Family Residential District

The purpose of the Multi-Family Residential District is to provide a location for a mix of housing types from single-family to apartment units.

C-1 General Commercial District

The purpose of the General Commercial Zoning District is to provide convenient, limited areas for shopping and services near residential neighborhoods and along the Borough's Main Street corridor. It is not the intent to make this district satisfy all commercial needs nor for it to become an employment center.

C-2 Highway Commercial District

The purpose of the Highway Commercial District is to provide a location where a variety of commercial activities can take place to serve both Borough and non-Borough residents. This district is located along the Business Route 6 corridor.

M-1 Manufacturing/Industrial District

The purpose of the Manufacturing/Industrial Districts is to provide locations within the Borough for the limited manufacturing/industrial uses to remain, expand or be redeveloped. No new manufacturing/industrial zoning districts have been created because of the overwhelming residential built-up and topographic constraints in the undeveloped areas of the Borough. There are no significant areas suitable for future manufacturing/industrial development.

I-1 Institutional District

The purpose of the Institutional District is to provide locations within the Borough for the existing large-scale institutional uses to remain, expand, or be redeveloped.

P-1 Public Uses District

The purpose of the Public Uses District is to provide locations within the Borough for the existing government uses, public schools, utilities, cemeteries, and recreational uses to remain, expand, or be redeveloped.

S-1 Special Conservation District

The purpose of the Special Conservation District is to provide for an area of limited urban agriculture, animal husbandry and open-space preservation within the developed portion of the Borough.

S-2 Open Space/Conservation District

The purpose of the Conservation District is to protect and preserve the existing open space, extensive steep slopes areas, and plant and animal communities found within these portions of the Borough and to provide for the development of limited uses that are compatible with the unique and sensitive natural environment within this district at low densities and with suitable buffers and conditions that will minimize negative impacts of the development upon the environment.

FP Flood Plain Overlay District

The intent of this overlay district is to permit uses and building regulations subject to the same requirements as the zone over which this district is laid, and to also subject the uses and building regulations to the requirements of the Blakely Borough Flood Plain Management Ordinance. The boundaries of this overlay district coincides with the Zone A, 100-year flood, boundaries, as shown on the Flood Insurance Rate Map for the Borough of Blakely, containing the most current effective date, and prepared by the Federal Emergency Management Agency, Federal Insurance Administration.

DT Data and Technology Overlay District

The intent of this overlay district is to permit uses and building regulations subject to the same requirements of this ordinance for uses allowed within the Data and Technology Overlay District.

403 ZONING MAP

A. The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of Blakely. The Zoning Map is hereby made a part of this Zoning Ordinance, together with all future notations, references and amendments.

B. The Official Zoning Map shall be identified by the signatures of the Borough Council attested by the Borough Manager and shall bear the adoption date of this Ordinance and the seal of the Borough under the following words: "This is to certify that this is the Official Zoning Map of Blakely Borough."

C. Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

D. Regardless of the existence of copies of the Official Zoning Map that may from time to time be made or published, the Official Zoning Map shall be located in the Borough Office and shall be the final authority on boundaries and districts. The Zoning Officer shall have a certified copy of the map for official use.

E. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Borough Council may, by resolution, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signatures of the Borough Council, attested to by the Borough Manager, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the Blakely Borough Zoning Ordinance, Lackawanna County, Pennsylvania."

F. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

404 RULES FOR INTERPRETING DISTRICT BOUNDARIES

A. Boundaries drawn approximately following the centerlines of streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines.

B. Boundaries approximately following lot lines shall be construed as following such lot lines in existence on the date of passage of the Official Zoning Map.

C. Boundaries drawn approximately following the centerlines of rivers, streams, or drainage ways shall be construed to follow such centerlines, and in the event of change in the centerline shall be construed as moving with the actual centerline.

D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

E. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsection A. through D. above, the Zoning Hearing Board shall interpret the district boundaries.

ARTICLE V

LAND-USE REGULATIONS

501 APPLICATION OF DISTRICT REGULATIONS

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

B. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations specified for the district in which it is located. No lot, parcel of land, or water area shall be utilized, occupied, altered or improved unless it is in conformity with the regulations specified for the district in which it is located.

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

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

E. Territory that may be annexed to the Borough shall be considered to be zoned in the same manner as the contiguous territory inside the previous Borough limits until otherwise classified.

502 TYPES OF USES

A. Permitted Uses (Uses by Right). Uses listed as Permitted Uses within each District in Schedule I of this Article shall require no special action by the Zoning Hearing Board or the Governing Body before a Zoning Permit is granted by the Zoning Officer, provided that the use type, dimensional, and all other applicable requirements of this Ordinance are satisfied.

B. Special Exception Uses. Uses listed as Special Exceptions in Schedule I of this Article shall require individual consideration in each case because of their unique characteristics. Such Special Exception Uses shall be referred to the Borough Planning Commission by the Borough Zoning Hearing Board and may be permitted by the Zoning Hearing Board only after a hearing and determination by the Zoning Hearing Board that such proposed uses meet the standards, requirements, and intent of this Ordinance.

C. Conditional Uses: Uses listed as Conditional Uses in Schedule I of this Article shall require individual consideration in each case because of their impact upon the lives of all persons within the Borough. Such Conditional Uses shall be referred to the Borough Planning Commission by the Governing Body and may be permitted by the Governing Body only after a hearing and determination by the Governing Body that such proposed uses meet the standards, requirements, and intent of this Ordinance.

D. Accessory Uses. Accessory Uses are permitted to be established along with and upon the same parcel as the associated principal use provided that the associated principal use or structure was legally established as a Permitted Use, Special Exception Use, or Conditional Use and provided that all applicable requirements for accessory uses within this ordinance are satisfied. Accessory Uses shall require a Permit issued by the Zoning Officer, either by

right or after a Special Exception hearing before the Zoning Hearing Board, unless otherwise stated within this Ordinance.

E. Prohibited Uses. Any use not listed under the applicable Zoning District column of Schedule I of this Article shall be deemed to be prohibited within that district.

F. Unlisted Uses.

1. No Zoning Permit shall be issued for a use not specifically mentioned or described by category in Schedule I Regulations Governing the Use of Land. Evaluation of these uses shall be as set forth in subsection 2. below.

2. Uses not listed as permitted use, special exception, or conditional use are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in Schedule I Regulations Governing the Use of Land, and such use is not prohibited by law, the Zoning Officer shall determine whether a materially similar use exists in this Article V. Should the Zoning Officer determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Zoning Officer's decision shall be recorded in writing.

3. The Zoning Officer may determine that a use is materially similar if the use is listed as within the same Function or Structure classification as the use specifically enumerated in Schedule I Regulations Governing the Use of Land, as determined by the Land-Based Classification Standards (LBCS) of the American Planning Association [Reference: http://www.planning.org/lbcs/]. The use shall be considered materially similar if it falls within the same LBCS classification.

4. In order to assist in interpretation of Schedule I Regulations Governing the Use of Land, the LBCS Function and Structure category numbers are listed at the right side of the row for each specific land-use. In interpreting Schedule I Regulations Governing the Use of Land, the following rules shall apply:

   a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all zoning districts where the uses coded to the general classification are permitted simply because they share a similar LBCS code number. The numbers increase as the classifications become more specific.

   b. Some uses are listed separately but fall within the same LBCS classification. The uses within one such classification is not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

5. If the Zoning Officer determines that a materially similar use cannot be located within one of the LBCS classifications pursuant to subsection 3. above, he or she shall present the application for the proposed use to the Zoning Hearing Board, which shall have the authority to permit the use or deny the use as a special exception in accordance with the following:

   a. The use may be permitted only if the Zoning Hearing Board makes **all** the following findings, and the burden of proof shall be upon the applicant.

      1). The use is compatible with the uses listed for the subject zoning district by Schedule I Regulations Governing the Use of Land.

2). The use is no way conflicts with the intent of the zoning district and the general purpose and intent of this Ordinance.

3). The use is not permitted in any other zoning district.

b. The Zoning Hearing Board shall provide a copy of the application to the Borough Planning Commission at the time the application is received. The Zoning Hearing Board shall not conduct a hearing on the application until the comments from the Planning Commission are received or thirty (30) days has passed from the time the application was referred to the Planning Commission.

c. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception granted for a use not specified in Schedule I Regulations Governing the Use of Land, incorporating standards from the Ordinance for compatible uses in the applicable zoning district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals, and welfare and to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

6. If the Zoning Hearing Board denies the use as a special exception, after completion of the process as outlined in subsection 5 above, this Ordinance may be amended by the Governing Body to establish a specific listing for the use in question.

503 CONTINUATION OF EXISTING USES

Any legally established existing use of a building or structure, lot or parcel of land or part thereof, as of the effective date of this Ordinance may be continued, subject to any applicable conditions or requirements of this Ordinance.

504 SCHEDULE I

The following SCHEDULE I, REGULATIONS GOVERNING THE USE OF LAND, lists the various types of permitted, special exception, and conditional uses that are permitted within each Zoning District of the Borough of Blakely.

SCHEDULE I
REGULATIONS GOVERNING THE USE OF LAND

P = Permitted Use (Use by Right)
SE = Special Exception Use
CU = Conditional Use

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2 (DT)	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Residential Uses													
Single-family dwellings	P	P	P	P	CU	CU	P**		P	P		1100	1110
Two-unit attached dwellings		P	P	P	CU	CU					743	1100	1120
Duplex (over/under)		P	P	P	CU	CU					743	1100	1121
Townhouses		SE	P	P	SE	SE	SE		SE	SE	743	1100	1140
Multi-Family Apartments, Garden Apartments		SE	P	SE	SE		SE				743	1100	1200
Planned Residential Development (cluster)	SE									SE	746	1100	-
Mobile Home Parks										SE	742	1100	1150
Apartments with Commercial Use				P	SE						707	1100	2300
Group Homes	P	P	P						P	P	732	1230	1100
Rooming and Boarding Houses			SE	SE							757	1320	1110, 1340
Bed and Breakfast Inns			SE	SE						SE	712	1310	1110
Assisted Living, Nursing & Personal Care Homes				P	P		P			P	709	1210, 1240 1250, 6520	-
Retirement Housing		SE	P	P							743	1210	1200
Hotels/Motels					P						737	1330	1330
Conversion from Non-residential Use to Residential Units	SE	P	P							P	723	1100	1360
Short Term Rentals (Air BnB)	SE	SE	SE	SE						SE	776		
***Must follow R-1 requirements**													

P = Permitted Use (Use by Right)
SE = Special Exception Use
CU = Conditional Use

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2 (DT)	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Accessory Uses													
Agricultural Buildings										P	705	-	8100, 8200 8300, 8400 8800, 8900
Assisted-Care Apartment Units	SE	SE	SE	SE					SE	SE	708	1100	1130
Farm Stands					P					P	727	2154	6920
Fences, Gates, & Walls	P	P	P	P	P	P	P	P	P	P	728	-	-
Garage or Yard Sales	P	P	P	P			P		P	P	731	-	-
Pool Houses	P	P	P	P	P		P		P	P	733	-	-
Home-Based Businesses, Minimal Impact	CU	SE	SE	P	P				SE	SE	734	-	-
Home-Based Businesses, No Impact	P	P	P	P	P				P	P	735	-	-
Parking Lots, accessory to Principal Use	P	P	P	P	P	P	P	P	P	P	1002-1003	-	5200
Patios, Decks, and Gazebos	P	P	P	P	P		P	P	P	P	745B	-	-
Private Garages & Carports (< or = 4 bays)	P	P	P	P	P				P	P	747	-	-
Private Garages & Carports (>4 bays)	SE	SE	SE	SE	SE				SE	SE	747	-	-
Private Greenhouses & Gardens	P	P	P	P	P				P	P	748	9141	8500
Private Indoor Recreation	P	P							P	P	749	-	3200
Private Outdoor Tennis & Similar Courts	P	P							P	P	751	-	-
Private Swimming Pools & Hot Tubs	P	P	P	P	P		P		P	P	752	-	-
Satellite Dish Antennas	P	P	P	P	P	P	P	P	P	P		-	-
Sheds & Storage Structures	P	P	P	P	P	P	P	P	P	P	761A	-	-
Signs	P	P	P	P	P	P	P	P	P	P	762,Art IX	-	6700
Solar Collectors, accessory to Principal Use	P	P	P	P	P	P	P	P	P	P	764	4314	6460
Temporary Uses	P	P	P	P	P	P	P	P	P	P	765	-	1350, 4440, 6900
Wind Turbines, accessory to Principal Use	SE							SE	SE	SE	771	4314	6460
Outdoor Storage					P	P		P			767	-	9000
Backup Generators (Natural Gas, Gasoline, Diesel, etc..)	P	P	P	SE*	SE*	SE	SE*	P	SE*	SE*	777	-	-
Energy Storage Facilities	P	P	P	SE*	SE*	SE	SE*	P	SE*	SE*	778		
*Permitted for Residential Uses													

P = Permitted Use (Use by Right)
SE = Special Exception Use
CU = Conditional Use

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2 (DT)	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Commercial Uses													
Adult Businesses					SE						703	-	-
Animal Hospitals or Veterinary Clinics				P	P						706	2418	4120
Auto Repairs, Service Stations, Auto Body Shops, and Car Washes				P	P	P					710	2110	2270, 2280
Bakery & Confectionary Products (on-site retail)				P	P	P					710A	3110	-
Banks, Finance, and Insurance				P	p	P						2200	2100
Banquet Facilities				P	P						711	2560	2220, 3800
Bicycle Rentals or Sales				P	P	P					712A	2113, 2333	-
Billboards, Off-site Advertising					SE						713	-	6700
Boutique Wineries				P	P	P						3110	-
Bulk Fuel Storage						SE		SE			714	-	2780
Commercial Greenhouses or Nurseries				P	P	P				P	705	9140	8500
Commercial or Professional Offices or Services				P	P	P						2300, 2400 2600, 2700	2100, 2300 2400
Contractor's Offices and Yards				P	P	P		SE			721	7000	-
Convenient Stores with or without Gas Pumps				P	P						722	2116, 2152	2591
Data Centers (Major and Minor) **DT Overlay Zone**										CU	775		
Flea Markets					P						729	2145	6910, 6920
Funeral Homes or Mortuaries				SE	SE		SE				750	6710	4800
Kennels					P					P	706	2720	8700
Lumberyards				P	SE	P				P		2126	-
New or Used Car, Motorcycle, Moped, ATV, or Trailer Rentals or Sales				P	P						743A	2111-2114 2331-2333	-
Nightclubs				P	P						744A	2540	-
Public or Commercial Parking (principal use)				P							753	-	5200
Restaurants, Cafes or Coffee Houses				P	P							2510-2530	2220
Retail Businesses				P	P	P						2100	2210-2260
Self-Storage Facilities				P	P	P					760	-	2710

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Shopping Malls, Centers or Plazas				P	P						761	-	2500
Stables									P	P	718	-	8240
Taverns and Bottle Clubs				P	P							2540	-
Transit-Related Businesses and Maintenance Facilities						SE					766	4130	3930, 5400
Wholesale Businesses				SE	P	P						3500	-
Wine Tasting Rooms				P	P						769	2155	-

P = Permitted Use (Use by Right)
SE = Special Exception Use
CU = Conditional Use

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Manufacturing Uses													
Industry, Heavy						SE					738	3100, 3200 3300	2620
Industry, Light						P					738	3400	2610
Junk Yards & Automobile Wrecking						SE					739	-	-
Machine Shops						P					740	3350, 3360	2610
Medical Marijuana Facilities					P*	P*					Art IX-B	3320	2620
Recycling Facilities						P					754	4346	-
Research Laboratories						P					756	2416	2615
Sanitary Landfill										CU	758	4345	6320
Sawmills or Planing Mills										SE	758A	3210	8000
Slaughterhouses						CU					763	9300	-
Solid Waste Facilities										CU	758	4340	6300
Tire Re-treading and Recapping						P					740	2115	-
Warehousing, Distribution, or Outdoor Storage						P					767	3600, 4140 4160	2700
Wastewater Treatment Facility, Non-Municipal										CU	767A	4342	6270
Refer to Article IX-B for Specific Allowable Uses in each zone district.													
Services & Public Uses													
Abused Person Shelters					SE					SE	702	6565	-
Adult or Child Day Care Centers or Nursery Schools and Preschools				P		P	P				704	6110, 6562 6566	-
Cemeteries and Mausoleums							SE		SE	SE	716	6720	4700
Colleges/Universities and Dormitories					SE					SE	759	1320, 6130	1320, 4220
Communications Antennas on Existing Structures	P	P	P	P	P	P	P	P	P	P	719	4230	-
Communications Towers & Equipment Buildings										SE	720	4230	6500
Correctional Facilities										SE	724	6222	4600
Crematoriums and Columbarium						P			P	P	725	6720	4800
Drug & Other Treatment Centers										CU	726	6520	-

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Essential Services	P	P	P	P	P	P	P	P	P	P		-	6100, 6200 6310, 6440
Helipads										SE	733A	4115	-
Hospitals							P				736	6530	4110
Medical Clinics				P	P		P					6510	4120
Mini Communications Towers				SE	SE	SE	SE	SE	SE	SE	719A	4233	6510
Public Buildings & Uses						P		P				6120, 6200 6300, 6400	4210, 4500
Religious Institutions		P		P	P						755	6600	3500
Semi-Public Buildings & Uses				SE	SE	P	SE					6120, 6410 6430	4210, 4510 4530
Social Services				P	P							6560	-
Television/Radio Stations Publishing & Information Services					P							4200	-
Trade & Technical Schools					P	P					765A	6140	4230

P = Permitted Use (Use by Right)
SE = Special Exception Use
CU = Conditional Use

Land Use	R-1	R-2	R-3	C-1	C-2	M-1	I-1	P-1	S-1	S-2	Additional Regs. (see Sec.)	LBCS Function	LBCS Structure
Recreational Uses													
Campgrounds										SE	715	5400	-
Commercial Indoor Recreation					P						717	5320, 5370 5380, 5390	3200
Cultural Facilities, Galleries and Libraries					P			P				4242, 5200	3400, 4300 4400
Fraternal, Civic, & Social Clubs and Non-Profit Organization				P	P							6800	-
Group Picnic Area or Grove, Commercial						P				P	753A	5500	6940
Outdoor Exhibitions, Sports Assembly, Entertainment & Amusements					SE						745	5120, 5130 5140, 5230 5310, 5340	3130, 3300 4440, 4450 6970
Outdoor Recreation & Sports						P				SE	745A	5350, 5370 5390	-
Public Parks & Playgrounds	P	P	P	P		P		P	P	P		5500	6940, 6950 6970
Resorts or Conference Centers					SE					SE	756A	1330, 1340	1330, 3400
Theaters					P							5110	3110, 3120
Resource Production and Extraction Uses													
Agricultural Operations and Products Processing										P	705	9100, 9200 9300	8000
Oil and Gas Exploration, Extraction & Development										CU	744, Art IX-A	8100	-
Energy Storage Facility, Large Scale								P				4310	6410, 6440
Forestry	P	P	P	P	P	P	P	P	P	P	730	9400	-
Hydraulic Fracturing Water Withdrawal										CU	767B	-	-
Mineral and Natural Resource Extraction and Processing										SE	741	8400, 8500	-
Power Facility, excluding Solar & Wind Energy						CU		P		CU	772	4311, 4312, 4313	6430
Solar Energy Facility						CU		P		CU	764A	4314	6460
Water Extraction & Bottling										SE	768	3110	2620, 6260
Wind Energy Facility										CU	770	4314	6460

ARTICLE VI

LOT AND YARD REGULATIONS

601 MINIMUM LOT AREA AND DIMENSION REGULATIONS

A. The minimum lot area and dimension requirements shown in Schedule II shall be met for all new dwelling units, principal buildings or uses where applicable, unless otherwise specified for specific uses or use groups in Article VII.

B. Areas within public or private street or road rights-of-way shall not be included in the calculation of or used to meet the minimum lot sizes for any proposed residential or non-residential use.

C. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with requirements of this Ordinance. No required lot area or yard shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

D. In all cases, proposed lot dimensions and lot areas shall be adequate to provide space for all proposed buildings, structures, and use areas, and all required support facilities, parking and setback or yard areas.

602 MINIMUM YARD REGULATIONS

A. Minimum yards or building setback distances shall be in accordance with Schedule II and as specified for specific uses in Article VII.

B. Where a minimum depth of a front yard is specified, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure, unless otherwise provided for in Article VII.

C. The front yard of an unimproved lot situated between two (2) improved lots having a principal building within twenty-five (25') feet of the side lot line of said unimproved lot may be reduced to the greatest depth of the front yard of the two (2) improved lots. This provision is not inclusive of corner lots.

D. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Officer may waive the requirements for the normal front yard and substitute a special yard requirement that shall not exceed the average of the yards provided on adjacent lots.

E. On a corner lot, each yard facing each street shall equal the required front yard.

F. Where a minimum width of a side yard is specified, an open space of at least the specified depth shall be provided from each side lot line and the nearest point of any building or structure, unless otherwise provided for in Article VII.

G. Where a minimum width of a rear yard is specified, an open space of at least the specified depth shall be provided from the rear lot line and the nearest point of any building or structure, unless otherwise provided for in Article VII.

603 SCHEDULE II - LOT, YARD, COVERAGE, AND HEIGHT REGULATONS

Lot, yard, coverage, and height regulations shall be as established by the following Schedule II.

SCHEDULE II
LOT, YARD, COVERAGE, AND HEIGHT REGULATIONS

DISTRICTS

REGULATIONS	**R-1**	**R-2**	**C-1**	**C-2**	**M-1**	**I-1**	**P-1**	**S-1**	**S-2**	**DT Overlay**
Maximum Lot Coverage [b] [i]	50%	50%	—(h)	30%	50%	50%	—(h)	20%	20%	50%
Maximum Building Height [a]										
Stories	2-1/2	2-1/2	2-1/2	2-1/2	2	6	2.5	2.5	2.5	2
Feet	35	35	35	35	40	80	35	35	35	40
Minimum Yards (in Feet) [a]										
Front	25	25	—(h)	50	30	25	—(h)	25	25	300
Each Side	10	8	10	30	25	20	10	25	25	300
Rear	35	30	20	50	30	25	20	50	50	300
Minimum Lot Dimensions [a]										
Width (in feet)	80	70	—(h)	200	150	100	—(h)	150	150	—(j)
Depth (in feet)	125	100	—(h)	400	150	100	—(h)	200	200	—(j)
Minimum Gross Lot Area (in square feet)	10,000	7,000	—(h)	80,000	22,500	10,000	—(h)	43,560	43,560	871,200
Net Lot Area [d] per dwelling unit [e] (in square feet)	10,000	7,000(SF) 3,500(TF)	—(h)	2,500(MF)	—	—	—(h)	43,560	43,560(SF) 5,000(MHP)	

R-3	Single-Family	Two-unit attached	Duplex (over/under)	3-4 units	≥5 units	Town-house
Minimum Lot Dimensions [a]						
Minimum Gross Lot Area	5,000	4,000	6,000	6,000	8,000	40,000
Net Lot Area [d] per dwelling unit [e] (in square feet)	5,000	2,000	3,000	2,000	1,500	2,450
Width (in feet)	50	40	60	60	80	35
Depth (in feet)	100	100	100	100	100	70
Minimum Yards (in Feet) [a]						
Front	20	20	20	20	30	25
Each Side	8	—(c)	8	10[f]	20[f]	20[f][g]
Rear	25	25	25	25	30	40
Maximum Lot Coverage [b]	60%	60%	60%	60%	60%	35%
Maximum Building Height [a]						
Stories	2-1/2	2-1/2	2-1/2	3	6	2-1/2
Feet	35	35	35	35	70	35

NOTES:

(a) Minimum yard and lot dimensions and maximum heights shall be as set forth above unless otherwise specified under Articles VII and/or VIII of this ordinance.

(b) Includes the roof areas of all principal and accessory buildings plus areas of other impervious surfaces as defined by this Ordinance used for streets, driveways, parking areas, and tennis and other recreational courts (sidewalks, patios, uncovered porches, decks, and play apparatus areas excluded). See §803A for Pervious Pavement Standards.

(c) On corner lots, the minimum side yard shall be twenty-five feet (25'). There also shall be a minimum of twenty-five feet (25') between continuous rows of multiple two-unit attached buildings.

(d) As defined in Section 302 of this Ordinance.

(e) Area per each individual dwelling unit. For example, a two-unit attached dwelling would require a minimum area of 4,000 square feet (2,000 sf X 2 units = 4,000 sf)

(f) Where two (2) or more multi-family structures are on the same lot of record, no building shall be located closer to another building than a distance equal to the height of the taller building of the two, but in no case less than fifty feet (50').

(g) Minimum side setback for end units only.

(h) None required except for dwellings, which shall be governed by R-3 district regulations.

(i) Maximum lot coverage may exceed 50% for a lot containing one single-family dwelling where pre- and post-storm water management volume remains the same and the storm water runoff is retained on-site.

(j) Minimum lot size shall be a minimum of 20 acres, and all required setbacks must be met.

(SF) = Single-family dwelling
(TF) = Two-unit attached dwelling or duplex on a single existing lot of record
(MF) = Multi-family dwelling (i.e. townhouses, garden apartments, two-unit attached dwellings or duplexes as part of a multi-building development)
(MHP) = Mobile Home Park development
(NR) = Non-residential structure or use

ARTICLE VII

SPECIFIC USE DEVELOPMENT REQUIREMENTS

701 APPLICABILITY

A. This Article establishes additional specific requirements for certain uses in addition to the requirements of Articles VI, VIII, IX and X. These uses, whether principal or accessory, have unique or differing characteristics and require more restrictive or greater than minimum general regulations. Wherever two or more conflicting requirements apply to the same use or structure, the most restrictive requirement shall apply.

B. For uses allowed as Special Exceptions or Conditional Uses under Article V, the procedures and general standards set forth under Article XII shall apply as well as the standards set forth in this Article VII.

C. Measurement of additional setbacks required for specific uses in this Article VII shall be measured from the nearest edge of the building used for the specific use, in a straight line without regard to intervening structures or objects, to the nearest lot line of the premises of the use or zone district from which the required setback applies.

D. In addition to the requirements of this Article VII, all uses shall comply with applicable requirements of the Uniform Construction Code, as adopted by Blakely Borough.

702 ABUSED PERSON SHELTER (Special Exception: C-2, S-2)

A. A maximum of fifteen (15) residents shall be allowed, including any staff or volunteers who routinely stay overnight.

B. Secure locks and alarm systems to protect the occupants from physical violence shall be installed.

C. The Zoning Hearing Board may place conditions on the use as necessary to protect public safety.

D. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer and Zoning Hearing Board.

703 ADULT BUSINESS (Special Exception: C-2)

A. Findings.

In adopting these standards that apply to adult businesses, the Governing Body has made the following findings in regard to the secondary effects on the health, safety, and welfare of the citizens of the Borough of Blakely. The findings are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters*, Inc. 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Northend Cinema, Inc. v. Seattle*, 585 P. 2d 1153 (Wash. 1978), and on studies in other communities including but not limited to Phoenix AZ, Minneapolis MN, Saint Paul MN, Manatee County FL, Houston TX, Indianapolis IN, Amarillo TX, Los Angeles CA, Austin TX, Seattle WA, Oklahoma City OK, Beaumont TX, and New York NY; and also on findings found in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, June 6, 1989, State of Minnesota.

1. The concern over sexually transmitted diseases is a legitimate health concern of the Borough of Blakely that demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of its citizens.

2. Certain employees of sexually oriented businesses regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.

3. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those that provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.

4. Offering and providing such space encourages such activities, which create unhealthy conditions.

5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

6. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including but not limited to syphilis, gonorrhea, human immunodeficiency virus infections (AIDS), genital herpes, hepatitis B, non-B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.

7. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and operators of the facilities to self-regulate those activities and maintain those facilities.

8. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult-oriented films.

9. Classifying adult businesses as special exceptions is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

10. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas, study, have demonstrated this.

11. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin TX study, have demonstrated this.

12. The Borough of Blakely desires to minimize and control these adverse secondary effects and thereby protect the health, safety, and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve property values and the character of the surrounding community.

B. Intent.

The intent of this §703.B. is to:

1. Regulate adult businesses in order to promote the public health, safety, and welfare by minimizing the secondary effects on the community that are associated with such businesses, and that include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.

2. Designate a zoning district where adult businesses are permitted, and establish reasonable content-neutral standards applicable to such uses.

3. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.

4. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the United States Constitution.

5. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

6. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

C. Classification.

Adult businesses are classified as Special Exceptions in the C-2 Highway Commercial zoning district.

D. Standards.

The following standards shall apply to adult businesses, in addition to applicable general and special exception standards contained in this Ordinance:

1. *Setbacks* — Adult businesses shall not be located less than:

   a. Three hundred feet (300') from any

      1). residence
      2). group home
      3). retirement housing
      4). abused person shelter
      5). adult or child day care center
      6). drug treatment or treatment center
      7). public or semi-public buildings and uses, excluding schools
      8). parks, playgrounds, outdoor recreation and sports, or campgrounds
      9). hospital and medical clinics
      10). assisted living, personal care or nursing homes
      11). commercial uses catering primarily to persons under age 18
      12). any commercial use that sells alcoholic beverages

b. One thousand feet (1000') from any

1). place of religious worship
2). public or private school
3). colleges or universities and dormitories

c. One hundred feet (100') from any property line or road right-of-way.

2. *Similar Businesses* — Adult businesses shall not be located within five hundred feet (500') of any existing adult business.

3. *Measurements* — The setback distances established in §703.D.1. shall be measured from the nearest edge of the building used for an adult business, in a straight line without regard to intervening structures or objects, to the nearest lot line of the premises of the use from which the required setback applies.

4. *Enlargement* — Any enlargement or expansion of an existing, legally created adult business shall be considered a special exception subject to the provisions of this §703 and all other applicable standards of this Ordinance.

5. *Use Limit* — It shall be a violation of this Ordinance for any person to cause or permit the operation, establishment, or maintenance of more than one (1) adult business in the same business, structure or portion thereof, or an increase of floor areas of any adult business in any building, structure or portion thereof that contains another adult business.

6. *Nonconformity* — Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §703 shall be considered a nonconforming use. Such nonconforming uses shall be increased, enlarged, altered, or extended, only in accordance with Article XI Nonconforming Uses and Structures and all other applicable standards of this Ordinance. The use may be changed to a conforming use. However, under no circumstances, shall a nonconforming use as defined and regulated by this Ordinance be changed to any type of adult business.

7. *New Neighboring Uses* — An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if a use, from which an adult business is required to provide a setback under this §703, is developed within the required setback distance.

8. *Alcohol* — No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.

9. *Signs* — The building shall either have no windows or windows that are screened as to only see out and not into the building. No sexually explicit material, signs, displays, or words, shall be visible at any time from outside the building. Exterior signs shall comply with applicable sign regulations set forth in Article IX; however, contents of such signs shall be limited to only the text of the name of the business and hours of operation.

10. *Exemption for Modeling Class* — A person appearing in a state of nudity, doing so in a modeling class operated by any of the following, is exempt from classification as a participant of a nude model studio as defined in §302:

a. A proprietary school, licensed by the state, or an academically accredited college or university.

b. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

c. In a structure

1). that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

2). where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

3). where no more than one (1) nude model is on the premises at any one time.

d. An organization that qualifies under Section 501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

704 <u>ADULT DAY CARE, CHILD DAY CARE, NURSERY AND/OR PRESCHOOL</u> (Permitted Use: C-1, I-1)

A. The use shall hold an approved PA Department of Welfare or PA Department of Education registration certificate or license, as appropriate.

B. No off-premises outdoor play area shall be utilized.

C. Any outdoor activities shall be limited to the hours between 10 AM and 5 PM.

D. A secure fence with a minimum height of four feet (4') shall surround any on-premises area used for outdoor play.

E. No portion of the outside play area shall be less than fifty feet (50') from an existing occupied dwelling without the dwelling owner's written consent.

F. A vehicular circulation plan shall be submitted with the permit application. There shall be one safe passenger unloading space measured ten feet (10') by twenty feet (20') for each six (6) children that the facility is licensed to accommodate. Off-street parking shall meet the requirements of Article X of this Ordinance.

G. Any sign shall comply with applicable sign regulations set forth in Article IX.

H. Borough officials reserve the right to make periodic inspections to ensure continued compliance with all state and local requirements.

I The regulations set forth in this §704 shall not apply to child day care centers operated as a home-based business (See §734) or located within a place of worship or business where care is limited to employees' children.

705 <u>AGRICULTURAL BUILDING, AGRICULTURAL OPERATION AND PRODUCTS PROCESSING (Permitted Use: S-2), COMMERCIAL GREENHOUSES AND NURSERIES:</u> (Permitted Use: C-1, C-2, M-1, S-2)

A. A minimum of two (2) acres shall be required for the keeping and raising of livestock and/or poultry. The keeping and raising of livestock shall be limited to two (2) head of livestock per

one (1) acre of land. The keeping and raising of poultry shall be limited to twenty (20) head of poultry per one (1) acre of land.

B. Buildings in which livestock or poultry are kept shall not hereafter be erected within one hundred feet (100') of any lot line.

C. Storage of manure and/or odor or dust-producing substances shall not be permitted within two hundred feet (200') of any lot line.

D. Greenhouse heating plants shall not be operated within fifty feet (50') of any lot line.

E. Other crop production or products processing buildings shall not be erected within fifty feet (50') of any lot line.

F. Where permitted, residential dwellings in association with the agricultural operation, greenhouse, or nursery shall comply with minimum yard requirements as set forth in Schedule II of the Ordinance for the zone district in which the use is located.

706 ANIMAL HOSPITAL OR VETERINARY CLINIC (Permitted Uses: C-1, C-2)
KENNEL (Permitted Use: C-2, S-2)

A. No such use shall be located closer than one hundred feet (100') to any R-district boundary, residential use, restaurant, or hotel/motel.

B. All applicable state laws governing kennels and/or animal hospitals and veterinary clinics must be met, and any license or certification must be provided to the Zoning Officer.

C. No animal shall be permitted to use outdoor runs from 8 PM to 8 AM. Runs shall be separated from each other by visual barriers a minimum of four feet (4') in height, to minimize dog barking.

D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any residential use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

E. The uses shall be maintained in a sanitary manner to avoid noxious odors to other properties. No incineration of refuse shall be permitted on-site. All Regulation of Nuisance Elements set forth in §809 of this Ordinance shall be met.

707 APARTMENTS WITH COMMERCIAL USE (Permitted Use: C-1, Special Exception C-2)

A. A maximum of two (2) apartment units may be permitted in a structure where the principal use on the ground or first floor is clearly commercial in nature. If more than two (2) apartments are located in the building, a special exception hearing would be required for approval.

B. One (1) off-street parking space for each apartment unit shall be provided on site, in addition to the minimum off-street parking spaces required for the commercial use.

C. Fire escapes shall not be located on any wall facing a street.

708 ASSISTED-CARE ACCESSORY APARTMENT UNIT (Special Exception Accessory Use: R-1, R-2, R-3, C-1, S-1, S-2)

A. One (1) temporary accessory apartment shall be allowed on any lot containing a single-family detached dwelling without an increase in density per dwelling requirements. The apartment must be in or attached to the principal structure. Accessory apartments shall not

be allowed in conjunction with two-unit attached dwellings, duplexes, multi-family dwellings, mobile homes in a mobile home park, or bed and breakfast inns.

B. The occupancy of the assisted-care accessory apartment unit shall be limited to the infirmed, aged, or ill relative of the permanent resident of the principal dwelling on the property.

C. Under no circumstance shall the use have a maximum gross floor area greater than 800 square feet. Any dwelling unit over 800 square feet shall be considered a principal dwelling or structure and shall be subject to all density and setback requirements for principal dwellings and structures.

D. All applicable setback requirements for principal dwellings shall be met for assisted-care apartment units.

E. Assisted-care apartment units shall not require approval as a "Land Development" under the Blakely Borough Subdivision and Land Development Ordinance.

F. A legally binding agreement for execution between the property owner and the Borough to provide for the elimination of the unit when the unit is no longer occupied by the relative requiring care shall be submitted with the zoning permit application.

G. The assisted-care apartment unit shall be designed and installed in such a way that it can be easily converted into part of the principal structure.

709 ASSISTED LIVING FACILITY, NURSING AND PERSONAL-CARE HOME (Permitted Use: I-1, S-2, C-1, C-2)

A. The uses shall have a minimum net lot area of three thousand (3000) square feet for each bed or residential accommodation, but in no case less than two (2) acres of net lot area. Buildings shall be setback a minimum of fifty feet (50') from all property lines.

B. No Assisted Living Facility, Nursing and/or Personal-Care Home shall be operated unless it is licensed by the appropriate Commonwealth agency. Proof of licensing shall be submitted to the Borough upon receipt by the facility.

C. A minimum of five percent (5%) of the net buildable area shall be suitable and developed for outdoor passive recreation. This shall include sitting areas and pedestrian walks.

710 AUTO REPAIR, SERVICE STATION, AUTO BODY SHOP, AND CAR WASH (Permitted Use: C-1, C-2, M-1)

A. All major repair, welding, and painting shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent dwellings or structures.

B. Provisions shall be made to prevent or minimize noise, odor, vibration, glare, or electrical interference nuisances to adjacent properties. Compliance with §809 of this Ordinance shall be required.

C. Outdoor storage of motor vehicles shall not be within ten feet (10') of any property line or road right-of-way.

D. A wall or solid fence five feet (5') in height shall be provided, and maintained, along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance.

E. Service-bay doors or car wash stalls shall not face directly toward an abutting residential dwelling, other than a dwelling separated from the shop or station by a street right-of-way.

F. No open pit or non-protected hoist shall be allowed outside a completely enclosed structure.

G. Fuel pumps shall be at least twenty-five feet (25') from all property lines. Canopies over fuel pumps shall be at least ten (10') from all property lines.

H. A minimum stacking area for three (3) vehicles at each cluster of pumps shall be provided without causing an obstruction of access to or from street rights-of-way.

I. Access points shall be limited to two (2) on each street abutting the property, and on corner lots, shall not be located within thirty feet (30') of the intersection of the street right-of-way lines.

J. All required state or federal licenses or permits for storage and dispensing of petroleum products and other activities shall be secured by the applicant and provided to the Zoning Officer. Drainage from storage areas shall not be directed off-site without adequate treatment to insure that oils, fuels, or other potentially contaminated liquids do not migrate to adjacent properties, water bodies or watercourses.

710A BAKERY AND CONFECTIONARY PRODUCTS RETAIL SALES (Permitted Use: C-1, C-2, M-1)

A. A majority of the goods produced shall be sold in retail sales located on the site.

B. If a majority of the goods are sold off-site, the use shall be considered Heavy Industry, allowable as a Special Exception in the M-1 zone district.

711 BANQUET FACILITY (Permitted Use: C-1, C-2)

A. Outdoor parties, celebrations, or special events held on the grounds of private residences by the residents of said property, where no fees are charged or collected, or are held for charitable, educational, or political fundraising, shall not be considered a banquet facility and shall not be subject to banquet facility requirements.

712 BED AND BREAKFAST INN (Special Exception: R-3, C-1, S-2)

A. The bed and breakfast use shall be clearly incidental and secondary to the principal use of the building as an owner-occupied primary dwelling.

B. In addition to the parking requirements in Article X of this Ordinance for the principal use, off-street parking shall be provided on the subject property for a number of parking spaces equal to the number of rooms designated for rental use within the bed and breakfast.

C. One (1) sign shall be allowed in conformance with applicable sign regulations set forth in Article IX.

D. All refuse receptacles shall be completely screened from view.

E. Guests shall be permitted occupancy for not more than fourteen (14) consecutive nights.

F. Food service shall be limited to breakfast served only to guests lodging at the inn.

G. Rooms used for overnight accommodations shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

H. No exterior alterations shall be made to any building for the purpose of providing a bed and breakfast inn. This provision does not include those necessary alterations needed to ensure the safety of the structure or its occupants, including the installation of fire escapes or other fire safety devices, and all other requirements of the Uniform Construction Code.

712A BICYCLE RENTALS OR SALES (Permitted Use: C-1, C-2, M-1)

A. No bicycle on display outdoors shall occupy any part of an existing street right-of-way or the area designated as customer parking.

B. Outdoor display areas shall meet minimum required setbacks as set forth in Schedule II of this Ordinance for the applicable zone district in which the property is located.

C. The use shall comply with lighting and glare requirements as set forth in §814 of this Ordinance.

713 BILLBOARD AND OFF-SITE ADVERTISING (Special Exception: C-2)

A. Only one (1) billboard or off-site advertising sign may be erected, constructed, or maintained on any premises. Double-sided billboards or off-site advertising signs shall be treated as a single sign.

B. A billboard or off-site advertising sign shall not exceed six hundred seventy-two (672) square feet in surface area on each side.

C. A billboard or off-site advertising sign shall not be closer than one thousand feet (1,000') to another billboard or off-site advertising sign along the same side of the street or highway.

D. A billboard or off-site advertising sign shall not be located within fifty feet (50') of any street or highway intersection.

E. A non-illuminated billboard or off-site advertising sign shall not be located closer than two hundred feet (200') from any R-district boundary. An illuminated billboard or off-site advertising sign shall not be located closer than five hundred feet (500') from any Residential Use as listed in Schedule I and defined by Article III of this Ordinance or any R-district boundary. No billboard or off-site advertising sign shall be permitted that faces any abutting school, library, church, hospital, or similar institutional use.

F. The billboard or off-site advertising sign shall not be nearer to any property line than the height of the sign, but in no case, less than twenty-five feet (25').

G. Any application for a billboard or off-site advertising sign shall be accompanied by certification, under seal by a Professional Engineer, that the existence of the billboard or off-site advertising sign, as proposed, shall not present a safety hazard.

714 BULK FUEL STORAGE (Special Exception: M-1, P-1)

A. All bulk fuel storage facilities, including tank trucks, must be secured from vandalism with appropriate fencing at least eight feet (8') in height.

B. All state and federal regulations concerning storage safety must be met and copies of all licenses and certificates required for storage of these materials must be provided to the Borough Zoning Officer prior to issuance of a Certificate of Occupancy.

C. All bulk fuel storage facilities including tank trucks and their containment areas shall be setback a minimum of fifty feet (50') from any wetland or watercourse.

715 CAMPGROUND (Special Exception: S-2)

A. A minimum lot area of ten (10) acres shall be required for a campground.

B. No campsite shall be occupied for more than thirty (30) consecutive days, and no campsite shall be the primary or principal residence of the owner or occupant.

C. The management of every campground shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The Borough shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof.

D. Each campsite shall have a minimum area of two thousand (2,000) square feet exclusive of street travelways and pedestrian walkways.

E. No campgrounds shall be located within the Flood Plain Overlay District.

F. Landscaping and Natural Vegetation Protection set forth in §808 shall be met.

G. Campgrounds shall have direct access to an existing public road.

H. Campgrounds shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. Campgrounds shall also conform to standards as set forth in the Blakely Borough Storm Water Management Ordinance.

I. No individual campsite shall be located within fifty feet (50') of any exterior property line or public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the campground to a height of six feet (6') from abutting properties.

J. Campgrounds shall be served by a centralized or community sewage disposal system and central or community on-lot water supply. No individual campsite on-site sewage or water supply systems shall be permitted. Sewage dumping stations shall be provided and shall be designed in accordance with PA DEP regulations. All campsites must be within two hundred fifty hundred feet (250') of a bathhouse/toilet facility, which shall comply with PA DEP regulations.

K. The storage, collection, and disposal of refuse in the campground shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, watertight, rodent-proof, bear proof containers, which shall not be located within seventy-five (75') of any campsite. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by PA DEP. Rubbish shall be collected and disposed of at a facility approved by PA DEP as frequently as necessary to insure that the containers do not overflow.

L. At least ten percent (10%) of the parcel shall be suitable for and improved to provide for open space and active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, miniature golf courses, community buildings, and similar facilities.

716 CEMETERY AND MAUSOLEUM (Special Exception: I-1, S-1, S-2)

A. All structures, graves, and places of permanent burial shall meet the minimum setback requirements set forth in Schedule II of this Ordinance for the applicable zone district in which the cemetery or mausoleum is located.

B. A minimum six foot (6') high fence, evergreen, or evergreen-type hedges or shrubs, at intervals of not more than six feet (6'), shall be provided. A planting strip, a minimum of twenty feet (20') in width shall be provided along any property line that abuts a residential property or residential street.

C. No gravesites shall be located within the Flood Plain Overlay District.

D. Roadways within a cemetery shall be a minimum of sixteen feet (16') and surfaced with gravel or asphalt. Ingress and egress shall be provided in a manner that minimizes traffic congestion.

E. The owner/applicant shall submit evidence to the Borough that proves to the satisfaction of the Zoning Officer, Zoning Hearing Board, and/or Borough Solicitor that there will be an appropriate financial system to ensure perpetual maintenance of the land.

717 <u>COMMERCIAL INDOOR RECREATION</u> (Permitted Use: C-2)

A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

718 <u>COMMERCIAL OR PRIVATE STABLE</u> (Permitted Use: S-1, S-2)

A. A minimum parcel of one (1) acre shall be required.

B. No more than four (4) horses shall be kept; however, for each additional full acre over the minimum required, one additional horse shall be allowed. (i.e. On a 2-acre parcel, five (5) horses would be allowed.)

C. All horses shall be restricted from grazing or intruding on abutting properties by a secured fence not less than four-feet-six inches (4'6") high from ground level.

D. Any stable building used to house the horses shall be a minimum of two hundred (200) square feet per horse.

E. Any stable building, corral, or other indoor/outdoor area used for feeding of animals, concentrated confinement of animals, or manure storage shall not be located closer than

   a. fifty feet (50') from abutting property lines and/or road rights-of-way

   b. seventy-five feet (75') from any dwelling on the site and one hundred feet (100') from any dwelling on adjacent properties.

F. Run-in buildings, or shelters from bad weather, shall be a minimum of twenty-five (25') feet from all property lines.

G. The use shall not create any nuisance due to odor, noise, dust, or other factor on any abutting property and shall be subject to §809 of this Ordinance, Regulation of Nuisance Elements.

H. Off-street parking for commercial stables shall be provided in accordance with Article X of this Ordinance.

719 <u>COMMUNICATIONS ANTENNA ON EXISTING STRUCTURES</u> (Permitted Use: All Zone Districts)

A. Communications antennas shall be permitted if they are mounted on existing buildings; existing public utility transmission towers, water towers, utility poles, light poles, traffic signal poles, flag poles; other existing structures; or existing communications towers; and do not require the installation of a new tower.

B. Building-mounted communications antennas shall not be located on any single-family attached or detached dwellings, two-unit attached dwellings, duplexes, or townhouses.

C. Building-mounted communications antennas shall not be located on any building or structure that is listed on a historic register.

D. The communications company shall be required to demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.

E. Building-mounted communications antennas shall be permitted to exceed the height limitation of the applicable zone district by no more than twenty feet (20').

F. Omni-directional or whip communications antennas shall not exceed twenty feet (20') in height and seven inches (7") in diameter.

G. Directional or panel communications antennas shall not exceed five feet (5') in height and three feet (3') in width.

H. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

I. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for compliance with the Uniform Construction Code, as adopted by the Borough of Blakely, and other applicable laws.

J. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

K. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.

L. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough.

M. A communications equipment building shall be allowed as an accessory use to the communications antennas but must be secured and screened from all property lines and shall not exceed a maximum height of sixteen feet (16').

N. The owner or operator of communications antennas shall be licensed by the FCC to operate such antennas.

719A MINI COMMUNICATIONS TOWER (Special Exception: C-1, C-2, M-1, I-1, P-1, S-1, S-2)

A. Mini communications towers including related antennas shall be permitted on public and private property and in public rights-of-way in order to support Distributed Antenna Systems.

B. A mini communications tower may be erected within a public right-of-way if the Pennsylvania Public Utility Commission has issued a Certificate of Public Convenience for its location, and the Borough has determined that it shall not interfere with other utilities, visibility, or other matters of public safety. Such facilities may only be located in state and county rights-of-way if approved by PENNDOT and the Lackawanna County Engineer, respectively.

C. No mini communications tower shall be located within one thousand feet (1,000') of another communication tower, mini or otherwise, unless they have been rendered not readily visible and the mounting on a building or co-location is determined to be infeasible.

D. Mini communications towers shall be the minimum functional height and width required to support the proposed antennas, unless a higher tower will facilitate co-location or other objectives of this Ordinance; however, no mini communications tower shall exceed a height of forty feet (40') and no attached antenna shall extend more than five feet (5') above the top of the tower.

E. All mini communications towers shall be designed and located to minimize their visibility to the greatest extent feasible, by means of placement, screening, and camouflage. The applicant shall use the smallest and least visible antennas feasible to accomplish coverage or capacity objectives.

F. All lighting shall be designed to meet, but not exceed, minimum requirements for security or safety, avoid glare, and minimize illumination of adjacent properties. Beacon lighting shall not be allowed unless required by the FAA.

G. All mini communications towers shall also be subject to the General Requirements A. 1. a. through f., h., j., and k. of §720 Communications Tower and Equipment Building of this Ordinance.

720 COMMUNICATIONS TOWER AND EQUIPMENT BUILDING (Special Exception: S-2)

A. General Requirements

1. The following general provisions apply to all communications towers. The general standards are in addition to the provisions for the particular applications specified in the sections below.

    a. The communications company shall be required to demonstrate, using technological evidence, that the tower must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.

    b. The communications company shall provide written evidence demonstrating that co-location with another tower is not technically possible, and that owners of tall structures within the proposed coverage area have been contacted, and permission was denied, along with the reasons given for

denial, other than economic reasons. The applicant shall provide the following information at a minimum as part of this requirement:

1). The applicant shall submit to the Borough a list of existing communication towers or facilities located within a six (6) mile radius of the proposed site. Said list shall include the type, height, location, owner and existing use of the facility.

2). The applicant shall contact the owners of existing facilities by certified mail inquiring whether the existing facilities are capable of accommodating the proposed facilities. Requests shall accompany the conditional use application.

3). The applicant shall obtain responses in writing from the existing facilities' owners stating whether the propose facility may be accommodated. In the case of a denial, specific and meaningful reasons for denial shall be stated. Responses not received within sixty (60) days shall be deemed a denial.

4). Should an existing owner indicate that the new facilities are able to be accommodated, and the applicant elects not to use the existing facilities, then the applicant shall prove that the existing facilities are inadequate due to technical requirements, or that the existing owner will not accommodate the applicant for a reasonable rental or other monetary rate. The applicant shall provide evidence verifying the monetary costs are unreasonable.

c. Each new tower shall be designed to structurally accommodate the maximum amount of additional antennas feasible in accordance with industry standards. No new tower shall be designed to accommodate only the tower owners' proposed antenna when, without additional expense, antenna space for other owners can be made available on the tower.

d. Applicants shall specify the number of antennas proposed and the maximum number and type of antennas which may be accommodated on the proposed tower. If an applicant does not plan to install all proposed antennas during initial construction of the tower, the applicant must specify the planned schedule of installing later added antennas. An applicant cannot indefinitely prevent the use of unused available antenna space by reserving to itself such space. If the antenna is not installed by the schedule deadline, the reserved space shall be automatically rendered available for use by others, unless the schedule has been amended and approved by the Borough Council.

e. The applicant shall submit a copy of the lease or other documentation evidencing that the owner of the property, or in the case of co-location, the owner of the tower, approves the siting of the tower, antenna, and other supporting equipment, and the access provided to the site.

f. The tower shall be subject to any applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, and other airport regulations.

g. The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.

h. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E Manual, as amended.

i. A soil report shall be submitted to the Borough to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires if used.

j. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by the registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the American National Standards Institute (ANSI) as amended, and other federal, state and local building regulations and accepted industry standards.

k. In order to reduce the number of antenna towers needed in a community in the future, any proposed new towers shall be required to accommodate other users, including other communications companies and local fire, police, ambulance and emergency service providers.

l. Minimum Lot Area - the minimum lot area shall be the area needed to accommodate the tower, guy wires (if used), the equipment building, security fence, parking area, tower and/or building setbacks, and buffer plantings if required.

m. Setbacks

1). The tower shall be set back from adjacent property lines and existing non-residential buildings a distance equal to a radial fall zone of one and one-half (1-½) times the tower height. All owners of approved towers are liable for any damage caused as a result of a collapse of any tower owned by them.

2). Communications towers shall be no closer than five hundred feet (500') from another communications tower, R-district, or residential structure.

3). Communications tower shall be setback from overhead electric transmission lines a distance equal to the height of the tower plus twenty feet (20').

n. Access - The vehicular access to the tower site shall, wherever feasible, use the existing access currently available on the property. A minimum twenty-foot (20') easement or right-of-way for access shall be provided and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length.

o. The following buffer plantings shall be located around the perimeter of the security fence:

1). Evergreen trees a height of ten feet (10') at planting spaced fifteen feet (15') from each other. Between the trees, evergreen shrubbery a height of five feet (5') at planting.

2). Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

p. An eight-foot (8') high security fence shall completely surround the tower (and guy wires if used) and equipment building.

q. All lighting, except as required by the FAA or other regulating agencies, shall be shielded and reflected away from adjoining properties.

r. Communications towers shall be painted in such a way to minimize the visual impact on the surrounding landscape.

s. Final site plans for all Communications Towers shall be submitted as a Land Development and shall comply with the Blakely Borough Subdivision and Land Development Ordinance.

t. When required as part of federal and/or state licensing, an Environmental Assessment Report shall be submitted to the Borough for review.

u. Maximum height of the tower shall be one hundred seventy-five feet (175').

v. The communications tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.

w. A minimum of two (2) parking spaces shall be required, designed in conformance with Off-Street Parking requirements of this Ordinance.

x. Where the communication tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed tower and that vehicular access is provided to the facility.

B. Abandonment of Use

Should any communications tower or facility cease to be used, the owner or operator or then owner of the land on which the communications tower or facility is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the communications tower or facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any communications tower or facility, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the communications tower or facility.

C. Exemptions

1. Communications towers related to the operation of a principal use in any zoning district are exempt from this §720.

2. 9-1-1 and other emergency services communication towers are exempt from this §720.

3. Radio and television towers are exempt from the maximum height requirements of this §720.

721 CONTRACTOR'S OFFICE AND YARD (Permitted Use: C-1, C-2, M-1; Special Exception: P-1)

A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

722 CONVENIENCE STORE WITH GAS PUMPS (Permitted Use: C-1, C-2)

A. All requirements set forth for auto service stations in §710 D., G., H., I., and J. of this Ordinance shall apply to convenience stores with gas pumps.

723 CONVERSION FROM NON-RESIDENTIAL USE TO RESIDENTIAL UNITS (Special Exception: R-1; Permitted Use: R-2, R-3, S-2)

A. Any conversion of a non-residential building to a residential use shall comply with the requirements applicable to the dwelling type to which conversion is proposed.

B. All conversions to residential uses shall be permitted only in the zoning districts where a new building of similar occupancy would be permitted by the Ordinance, and must comply with all applicable requirements set forth by this Ordinance and the Uniform Construction Code for new buildings of similar occupancy.

724 CORRECTIONAL FACILITY (Special Exception: S-2)

A. No correctional facility shall be located in the Flood Plain Overlay District

B. A minimum setback of one hundred feet (100') shall be required for all yards.

C. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the proposed use will include sufficient security measures to protect the general public.

D. A correctional facility shall not be located closer than five hundred feet (500') from any of the following uses:

1. Places of religious worship
2. Public and semi-public buildings
3. Child day-care centers
4. Parks
5. Any R-district or residential property

725 CREMATORIUM AND COLUMBARIUM (Permitted Use: M-1, S-1, S-2)

A. Crematoriums shall not be located within fifty feet (50') of any R-district or residential property.

B. Crematoriums and columbariums shall meet the minimum setback requirements set forth in Schedule II of this Ordinance for the applicable zoning district in which it is located, except as provided for in §725 A. above.

C. No columbarium shall be located within the Flood Plain Overlay District.

D. Crematoriums shall comply with all applicable state and/or federal regulations.

E. The owner/applicant shall submit evidence to the Borough that proves to the satisfaction of the Zoning Officer and the Borough Solicitor that there will be an appropriate financial system to ensure perpetual maintenance of a columbarium.

726 DRUG TREATMENT AND OTHER TREATMENT CENTER (Conditional Use: S-2)

A. The applicant shall provide a written description of the types of patients and/or services the use is intended to treat or provide over the life of the special exception permit. Any future additions or modifications to the description shall require approval of the Zoning Hearing Board as a separate special exception application.

B. The applicant shall prove to the satisfaction of the Zoning Hearing Board, with the burden of proof being on the applicant, that the use will involve adequate supervision and security measures to protect public safety.

C. The Zoning Hearing Board may place conditions on the use necessary to protect public safety, including conditions on security measures.

727 FARM STAND (Permitted Accessory Use: C-2, S-2)

A. A farm stand, as defined under Section 302, shall be permitted as an accessory use to an agricultural operation and products processing facility or within the C-2 zone district on commercial or vacant property.

B. The farm stand shall be setback a minimum of thirty feet (30') from a road right-of-way and ten feet (10') from all side and rear property lines.

C. An area for off-street parking shall be provided to accommodate a minimum of five (5) vehicles.

728 FENCES, GATES AND WALLS (Permitted Accessory Use: All Zone Districts)

A. Fences, gates and walls may be erected up to lot lines. No fence, gate or wall may be erected within any road right-of-way.

B. Solid fences, gates and walls in rear-yard areas, measured from ground level along the full length of the fence, shall not exceed six feet (6') in height except as otherwise required for Specific Uses set forth in this Article VII. Solid fences, gates and walls erected in front and side yards, measured from ground level along the full length of the fence, shall not exceed four feet (4') in height except as otherwise required for Specific Uses set forth in this Article VII. The front yard of a property shall be the area between the front property line and the actual setback of the principal structure nearest to the front property line, not the minimum required front-yard setback as designated in Article VI of this Ordinance. Side yard is considered the front corner of a principal structure extending to the rear corner of the principal structure. Any property that is in an area that sight distances for vehicles may be compromised (I.E. Corner Lots) need to follow the Blakely Borough Subdivision and Land Development Ordinance Section 512 Sight Distance guidelines.

C. Open or ornamental fences and gates, measured from ground level along the full length of the fence, shall not exceed six feet (6') in height. The open area between vertical members of the fence or gate shall either be four inches (4") or less, or twelve inches (12") or greater.

D. Fences and gates not exceeding a height of ten feet (10'), measured from ground level along the full length of the fence, that are open mesh and screened as customarily required for tennis courts and other similar courts are permitted and may be equipped with the customary attached windbreaks. Fences and gates required for tennis and other similar courts shall meet setback requirements as set forth in §751 of this Ordinance.

E. No fence, gate or wall more than four feet (4') above the centerline grades of intersecting streets may be erected on any corner lot for a distance of thirty feet (30') measured along the street right-of-way lines from their point of junction.

F. All fence posts or gateposts and other structural supports shall be located on the interior side of the fence or gate, facing the property to be fenced. The finished side of the fence or gate shall face the adjoining property and/or right-of-way.

G. No fence, gate or wall shall be constructed within an easement in such a way that it would prevent the use of the easement for its intended purpose. The issuance of a permit should not impose any duty on the Borough to preserve an easement of which the Borough may not be aware. This duty shall be imposed on the property owner.

H. Walls that are attached to a building shall be regulated as, and considered, part of the building.

I. Fences, gates, and walls shall be constructed only of traditional materials, as defined by the definition of "Fence" under §302 of this Ordinance, that are normally used for the construction of fences, gates, and walls. Temporary and make-shift materials are prohibited. The Zoning Officer shall have the power to determine if the materials proposed to be used are unsuitable or unsafe.

J. All fences, gates and walls must be maintained in good condition. No advertising shall be permitted on any fence, gate or wall in the R- or S-districts, I-1 and P-1 districts, and no advertising shall be permitted on any fence, gate or wall erected on residential property in C- and M-districts.

K. Fences, gates, walls, and the area between their exterior side and the nearest property line or roadway curb line or shoulder edge shall be properly maintained at all times. Broken, cracked, rotted, or rusted structural components shall be removed or repaired promptly. Grounds shall be kept clear or planted with vegetation appropriate to the site. A property owner who fails to provide proper maintenance may, after notice by the Zoning Officer and an opportunity to correct the situation, be required to remove the fence, gate or wall.

L. In all zone districts, the following fences, gates or walls are strictly prohibited:

1. Barbwire fences and gates or fence and gates using razor wire or any other material likely to cause physical injury to persons or animals. Fences and gates used for an agricultural operation, industrial/manufacturing facilities, or public facilities/utilities are exempt from this prohibition.

2. Fences, gates or walls erected in such a manner as to inhibit or divert the natural drainage flow or cause the blockage or damming of surface waters.

3. Fences, gates or walls that may create or enhance a fire hazard or other dangerous condition, or that may result in the obstruction to effectively fight a fire.

4. Chain-link fences and gates having an unfinished or jagged top edge, or chain-link fence and gates that have the open spaces between wires covered by fabric sheeting or by strips of plastic or other material woven through the spaces.

5. Temporary fences, such as snow fences or expandable and collapsible fences, unless necessary for use on sites under construction or for snow control; canvas or cloth fences, except when necessary for the protection of shrubs and vegetation.

M. A Zoning permit shall be required for the erection of all fences, gates and walls. The Zoning Officer shall have the duty and all power necessary to issue appropriate notices or orders directing property owners to correct any conditions that are in violation of this Ordinance.

N. In the case of any fence, gate or wall erected before the effective date of this Ordinance, the requirements of this section shall apply upon the replacement of said fence or wall or any section(s) or components thereof comprising at least twenty-five percent (25%). Repairs, as this term is used in this Ordinance, shall not be interpreted to include painting.

O. Retaining walls, as defined by this Ordinance and necessary to hold back slopes, are exempt from the regulations of this section.

729 FLEA MARKET (Permitted Use: C-2)

A. Indoor flea markets shall meet minimum parking requirements for retail businesses set forth in Article X.

B. Outdoor flea markets not involving the use of a building or structure shall require a lease or letter of permission to occupy the property and operate the flea market, which shall be provided to the Borough with the Zoning Permit Application. The Borough may require commercial outdoor flea market operators and vendors to provide a bond or vendors fee to assure that the operation thereof is carried out in a safe and environmentally sound manner.

C. Both indoor and outdoor flea markets shall be provided with an approved water supply and sewage disposal system.

D. For both indoor and outdoor flea markets, a ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

730 FORESTRY (Permitted Use: All Zone Districts)

A. Purpose.

In order to conserve forested open space and the environmental and economic benefits they provide, it is the purpose of Blakely Borough to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations contained in this §730 are intended to further this purpose by:

1. Promoting good forest stewardship.

2. Protecting the rights of adjoining property owners.

3. Minimizing the potential for adverse environmental impacts.

4. Avoiding unreasonable and unnecessary restrictions on the right to practice forestry.

B. Applicability.

To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land throughout Blakely Borough, forestry activities, including timber harvesting, shall be subject to the requirements of this §730 where the value of the trees, logs, or other timber

products removed exceeds $1,000. These provisions do not apply to the cutting of trees for the personal use of the forestland owner or for pre-commercial timber stand improvement.

C. Permits/Fees, Notification of Completion, and Preparation of a Logging Plan.

1. *Permits/Fees* — For all timber harvesting operations that are expected to exceed five (5) acres, the forestland owner shall obtain a Zoning Permit from the Zoning Officer at least forty-five (45) business days before the operation commences. The Borough Council may establish by Resolution a Schedule of Fees pertaining to timber harvesting operations. In addition, the forestland owner shall be responsible for any cost incurred by the Borough for review of the Logging Plan required under 3. below by the Zoning Officer and/or Borough Engineer. No timber harvesting shall occur until the permit has been issued.

2. *Notification of Completion* — For all timber harvesting operations required to obtain a Zoning Permit, the forestland owner shall notify the Zoning Officer within thirty (30) business days before the operation is complete.

3. *Logging Plan* — Every forestland owner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request.

4. *Responsibility for Compliance* — The forestland owner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

D. Contents of the Logging Plan.

1. *Minimum Requirements* — As a minimum, the logging plan shall include the following:

   a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid trails, and landings.

   b. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

   c. Design, construction, and maintenance of stream and wetland crossings.

   d. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.

2. *Map* — Each logging plan shall include a sketch map or drawing containing the following information:

   a. Site location and boundaries, including both the boundaries of the property on which the timber harvesting will take place and the boundaries of the proposed harvest area within that property.

   b. Significant topographic features related to potential environmental problems.

   c. Location of all earth disturbance activities such as roads, landings, and water control measures and structures.

   d. Location of all crossings of the waters of the Commonwealth.

e. The general location of the proposed operation to municipal and state highways, including any accesses to those highways.

3. *Compliance with State Law* — The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

a. Erosion and Sedimentation Control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 PS §691.1 et seq).

b. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 PS §693.1 et seq).

4. *Relationships of State Laws, Regulations, and Permits to the Logging Plan* — Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25, Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs A. and B. of this section, provided that all information required by these paragraphs is included or attached.

E. Forest Practices.

The following requirements shall apply to all timber harvesting operations in the Borough:

1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Borough or PennDOT, whichever is responsible for maintenance of the thoroughfare.

2. No tops or slash shall be left within twenty-five feet (25') of any public thoroughfare or private roadway providing access to adjoining residential property.

3. All tops and slash between twenty-five and fifty feet (25' and 50') from a public roadway or private roadway providing access to adjoining residential property or within fifty feet (50') of adjoining residential property shall be lopped to a maximum height of four feet (4') above the ground.

4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.

5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

E. Responsibility for Road Maintenance and Repair and Road Bonding.

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the forestland owner and the operator shall be responsible for repairing any damage to Borough roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

F. Enforcement.

1. *Inspections* — The Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this §730 and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

2. *Violation Notices, Suspensions, and Penalties* — Any timber harvesting operation found to be in violation of this Ordinance shall be subject to the penalty regulations set forth in §1209 of this Ordinance.

731 GARAGE OR YARD SALE (Permitted Accessory Use: R-1, R-2, R-3, C-1, S-1, S-2)

Permits shall be required for garage or yard sales or private rummage sales and shall be subject to the following specific regulations:

A. Individual, private-family yard or garage sales are permitted as residential accessory uses. Each individual property location may have a maximum of two (2) yard sales during any one (1) calendar year. Each sale may last only one (1) day. The two annual sales may be either on consecutive or nonconsecutive days. Yards or garage sales are meant to allow individuals the offering for sale of accumulated normal household items, and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall only be allowed in zone districts where retail sales of general merchandise is permitted.

B. Private rummage sales conducted by a service, non-profit, religious or charitable organization are permitted as accessory uses, shall not require a permit, and are exempt from the requirements listed above in §§A.

C. No sale shall commence before 8 AM or after 7 PM on any day.

D. Any sign, notice, or advertisement for the sale shall be removed immediately upon conclusion of the sale.

732 GROUP HOME (Permitted Use: R-1, R-2, R-3, S-1, S-2)

A. There shall be adequate supervision provided by an adequate number of persons trained in the field for which the group home is intended.

B. The use shall be licensed or certified under an applicable state or federal program for group housing. A copy of any such license or certification shall be filed with the Zoning Officer.

C. The use shall register the general type of treatment or care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available to the public for review upon request.

D. The group home shall notify the Zoning Officer within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents, or if any applicable license/certification is suspended or withdrawn.

E. Any medical or counseling services provided shall be limited to residents.

F. No exterior signs shall identify the use.

G. Construction of a group home shall comply with minimum density and lot and yard regulations applicable to single-family dwellings set forth in Article VI of this Ordinance.

733 POOL HOUSE (Permitted Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2)

A. A pool house shall not exceed five hundred (500) square feet of gross floor area.

B. Pool houses may only be located in rear and side yards and shall be set back a minimum of ten feet (10') from rear and side property lines and shall not exceed a height of fifteen feet (15').

733A HELIPAD (Special Exception: S-2)

A. All applicable state and federal regulations shall be met and copies of applicable permits and licenses shall be provided to the Borough Council.

B. Minimum setbacks shall be set by the Zoning Hearing Board on an individual site basis dependent on specific safety requirements.

C. The Zoning Hearing Board shall also consider the following:

1. The effect upon reasonable use of properties affected by the proposed helipad.

2. How the applicant plans to acquire any necessary air rights.

3. The character of the flying operations expected to be conducted at the helipad.

4. The provision of hazard lighting and markings.

5. The importance of aircraft safety.

734 HOME-BASED BUSINESS, MINIMAL IMPACT (Permitted Accessory Use: C-1, C-2; Special Exception Accessory Use: R-2, R-3, S-1, S-2; Conditional Use: R-1)

A. The following uses shall not be permitted as a minimal impact home-based business: adult business, animal hospital, kennel or veterinarian clinic; commercial stable; funeral home or mortuary; retail business; restaurant, café, or coffee house; auto repair or auto body shop; transit-related- or maintenance facility; wholesale business; or, warehousing and distribution.

B. The Zoning Officer or Zoning Hearing Board may determine that other particular types or intensity of uses are unsuitable to be minimal impact home-based businesses or that the proposed lot area or setbacks are insufficient.

C. The minimal impact home-based business shall be conducted completely indoors and may be within a principal dwelling or accessory structure. In R- and S-districts, the total amount of floor area used for the minimal impact home-based business shall not be greater than twenty-five percent (25%) of the total floor area of the principal dwelling unit.

D. In R- and S-districts, outdoor storage of materials, products, or equipment shall be prohibited.

E. Display windows, business displays, or advertising visible from outside shall only be allowed in the C-districts. A personal sign identifying the minimal impact home-based business is permitted in all districts where allowed pursuant to the requirements of Article IX of this Ordinance.

F. In R- and S-districts, if a commercial vehicle is utilized in conjunction with the minimal-impact home-based business, the use shall comply with the requirements of Commercial

Vehicle Parking in R-districts and on Residential Property set forth in Article X of this Ordinance.

G. In R-districts, no machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.

H. The use shall comply with all performance standards and environmental protection standards set forth in Article VIII of this Ordinance.

I. The use shall not routinely involve the parking of more than four (4) nonresident vehicles at any one time. The applicant shall prove to the satisfaction of the Zoning Officer or Zoning Hearing Board that the use will have adequate area for off-street parking and loading spaces.

J. In R- and S-districts, the Zoning Hearing Board may regulate the location of needed off-street parking to maintain the residential character, and may deny a minimal impact home-based business if adequate off-street parking cannot be accommodated.

K. In R- and S-districts, the exterior of the dwelling and lot shall not be changed in such a way to decrease its residential appearance, except for permitted parking spaces and a personal sign identifying the business.

L. In R- and S-districts, a minimal impact home-based business shall not be conducted in a way that is perceptible from beyond the property boundaries and not between the hours of 8 PM and 8 AM. This time limit shall also apply to any loading or unloading of vehicles that causes noise to abutting properties.

M. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the storage or use of toxic substances.

N. In R- and S-districts, in addition to permanent residents, one (1) nonresident of the dwelling may work on the premises of a minimal impact home-based business.

O. In R- and S-districts, Child Day Centers operated as minimal impact home-based businesses shall also comply with the following:

1. The number of children that care is provided to shall be from four (4) to six (6).

2. Smoke detectors shall be provided throughout the building, an "ABC"-rated fire extinguisher shall be provided, lights shall be provided at all exits, and at least one (1) exit window shall be provided with an opening within six feet (6') of the exterior grade level.

3. A minimum of one hundred (100) square feet of a safe, fenced-in exterior play area shall be provided. The play area shall not be within any front yard and shall be separated from any abutting residential property by a ten-foot-wide (10') evergreen buffer strip. The initial height of the evergreen planting shall be five feet (5').

735 <u>HOME-BASED BUSINESS, NO IMPACT</u> (Permitted Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2)

A. The no-impact home-based business shall be compatible with the residential use of the property and surrounding residential uses.

B. The no-impact home-based business shall have 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 no-impact home-based business use, including, but not limited to, parking, signs, or lights.

E. The use shall comply with the requirements of Commercial Vehicle Parking in R-districts and on Residential Property set forth in Article X of this Ordinance.

F. The no-impact home-based business may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

G. The no-impact home-based business may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.

H. The no-impact home-based business shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

I. The no-impact home-based business may not involve any illegal activity.

736 HOSPITAL (Permitted Use: I-1)

A. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

B. The use shall comply with all performance standards and environmental protection standards set forth in Article VIII of this Ordinance.

737 HOTEL/MOTEL (Permitted Use: C-2)

A. All structures must be setback a minimum of one hundred feet (100') from all property lines.

B. The use shall provide accommodations (rental units) for rooming or boarding casual and transient guests for a maximum stay of thirty (30) days.

C. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

738 INDUSTRY, HEAVY (Special Exception: M-1)
INDUSTRY, LIGHT (Permitted Use: M-1)

A. All structures, including storage equipment and other materials, shall be set back a minimum of fifty feet (50') from wetlands and watercourses.

B. All applicable performance standards as required under Article VIII of this Ordinance shall be met.

C. All applicable Federal and/or state regulations shall be met. Copies of any required licenses and/or permits shall be provided to the Zoning Officer.

D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any R-district or Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

739 JUNK YARD OR AUTOMOBILE WRECKING FACILITY (Special Exception: M-1)

A. All proposed junk yards or automobile wrecking facilities shall met all applicable performance standards as required under Section 809 of this Ordinance.

B. All proposed junk yards or automobile wrecking facilities shall be completely screened from roads and developed areas with a solid fence or wall six feet (6') or more in height, maintained in good condition. Materials stored shall not be visible at any property line.

740 MACHINE SHOP AND TIRE RE-TREADING AND RE-CAPPING (Permitted Use: M-1)

A. All machine shops and tire re-treading and re-capping facilities, as defined by §302 of this Ordinance, shall comply with §738, subsections B. through E. of this Ordinance.

741 MINERAL AND NATURAL RESOURCE EXTRACTION AND PROCESSING (excluding Oil and Gas) (Special Exception: S-2) (Including Land Reclamation: Special Exception)

A. The crushing, processing, excavation, or any other operations associated with mineral extraction or processing or shall be setback a minimum of one hundred (100') feet from road rights-of-way and lot boundaries and five hundred (500') feet from any existing residential use. Buffering, screening and fencing may be required for adjacent uses dependent upon specific site and adjacent use conditions.

B. Excavating and/or reclamation operations, including drilling, hauling, and blasting shall not be carried out on Sunday, and shall not be operated earlier than 7:00 AM nor later than 6:00 PM during the remainder of the week.

C. Evidence of compliance with all State and Federal laws applicable to the extraction and processing for which a permit is sought shall be provided to the Zoning Hearing Board.

D. A description of the character, timing, and duration of the proposed operation, including maps and plans showing the area and extent of the proposed activity, the location and design of all structures, depth of the excavation, areas for storage of soil materials, facilities for processing, loading and transportation of minerals shall be submitted.

E. The location of all structures and land uses that may be affected by the proposed operation and measures that will be taken to protect all structures and land uses from adverse impacts from extraction shall be provided.

F. Measures that will be taken to insure that any loss, diminution, or pollution of water supplies in areas affected by extraction or reclamation will be corrected or replaced shall be provided.

G. Measures that will be taken to insure that the performance standards contained in all sections of this ordinance shall be met shall be provided.

H. Description of plans for the transportation of the extracted or imported product, including routes of travel, number and weight of vehicles, and measures that will be taken to maintain all roads within the Borough that are used to transport minerals and to repair any damages that may result from the use of roads for loads and volumes of traffic shall be provided.

I. Plans for the restoration and reclamation of all land affected by the extraction and processing operation to a condition that will support uses that are permitted in the zone district shall be provided.

J. In deciding upon an initial application for a special exception for extraction or processing, and/or reclamation, the Zoning Hearing Board shall evaluate the impact of the proposed activity upon adjacent areas and shall approve granting of a permit only if it finds that:

1. The scale, pace, and duration of the proposed activity are reasonable in relationship to the ability of the adjacent area to maintain normal patterns of activity while extraction or reclamation activities are ongoing.
2. Adequate safeguards are provided to insure that damage will not be done to natural environment.
3. The proposed plan for reclamation and reuse of land is acceptable. If the proposed reclamation plan is for forestry or other undeveloped use, grading, drainage, vegetation must be compatible with other such use areas in the Borough. If the proposed reclamation is for development, the proposed development should be compatible with the regulations of the S-2 zoning district.

K. In deciding upon an application, for any expansion or change in an extraction or processing application, the Zoning Hearing Board shall consider all of the factors listed above and in addition shall grant a Special Exception only if the following conditions are met:

1. The performance of the applicant to date has been in conformance with all agreements made at the time of the initial conditional use approval; and
2. No expansion in area of an extraction operation shall be permitted until extraction activities have been completed on an equivalent area of land and the land shall have been graded and vegetation established in accordance with the approved plan for reclamation of the site.

L. In no case shall a special exception granted by the Zoning Hearing Board extend to an area of land or mode of operation that is larger or in any way different from the scope of permits issued concurrently by state and/or federal permitting authorities for the same existing or proposed extraction or processing activity.

M. Outdoor lighting, if any, shall be shielded and/or reflected away from adjoining properties in accordance with lighting standards as established by this Ordinance or other applicable Borough Ordinances.

N. This §741 shall not apply to excavations for home sites, driveways, roads, or other approved land developments.

O. A certificate of insurance with limits of not less than $5,000,000 for personal injuries and not less than $1,000,000 for property damage for the benefit of all persons who might be injured or suffer property damage as a result of said earth extraction operations.

P. A bond payable to the Borough of Blakely conditioned on saving the Borough and its officials of and from any and all claims, suits or demands caused by any blasting, earthwork, etc. and further, to guarantee reclamation as required herein. The amount of said bond shall be set by an Engineer designated by the Borough and based on his estimate of the reasonable cost of such replacement. Such bond shall be signed by the applicant and a corporate surety licensed to do business in the State of Pennsylvania, or the applicant may elect to deposit cash or United States Securities in lieu of surety bond. Upon covering the exposed surface and approval thereof by the Engineer, the Borough will release the applicant and his surety from their bond.

Q. All projects shall be designed to achieve a Balanced Site, minimizing importing and exporting material.

R. If imported fill is required to complete a site, it will comply with the Department of Environmental Protection, Bureau of Waste Management, Management of Fill Policy (258-2182-773), and will complete and submit Form FP-001 – Certificate of Clean Fill. A Geotechnical Engineering Report will be required showing the placement and compaction of the fill in conjunction of the proposed structure(s). A Geotechnical Inspector will proctor the fill and submit the required inspection reports.

742 MOBILE HOME PARK (Special Exception: S-2)

A. The use shall have a minimum net lot area of ten (10) acres.

B. All mobile home parks shall be served by a central sewage disposal system and central water supply system.

C. No lot in any Mobile Home Park shall be less than fifty feet (50') in width and have less than five thousand (5,000) square feet of lot area.

D. No mobile home located on any lot within the mobile home park shall be closer to any front lot line than twenty-five feet (25'); to any side lot line than ten feet (10'); to any rear lot line than twenty feet (20').

E. Only one accessory building shall be allowed per individual mobile home lot, and such accessory structure shall not contain a greater area than the area of the mobile home located on the same parcel.

F. No mobile home park shall be located in the Flood Plain Overlay District.

G. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut lots containing single-family dwellings, group homes, two-unit attached dwellings, duplexes, or townhouses. The initial height of the evergreen planting shall be five feet (5').

H. All mobile home parks must meet Design Standards for such use set forth in the Blakely Borough Subdivision and Land Development Ordinance.

743 MULTI-FAMILY DWELLING, GARDEN APARTMENT (Permitted Use: R-3; Special Exception: R-2, C-1, C-2)
TOWNHOUSE (Special Exception: R-2, C-2, M-1, I-1, S-1, S-2; Permitted Use: R-3, C-1)
RETIREMENT HOUSING (Permitted Use: R-3; Special Exception: R-2, C-1)
TWO-UNIT ATTACHED DWELLING (Permitted Use: R-2, R-3, C-1)
DUPLEX (over/under units) (Permitted Use: R-2, R-3, C-1)

A. The requirements of this §743 do not apply to the construction of one (1) two-unit attached dwelling or one (1) duplex on an individual zone lot. Minimum lot, yard, and coverage requirements for one (1) two-unit attached dwelling or one (1) duplex shall be as set forth under Schedule II of this Ordinance for (TF) dwellings as noted in said Schedule II for the applicable zone district in which the two-unit attached dwelling or duplex is located.

B. Townhouses, allowed in the R-2, C-1, C-2, M-1, I-1, S-1, and S-2 zoning districts as special exceptions, shall meet all minimum lot dimensions and yards and maximum lot coverage and building height for townhouses in the R-3 zoning district as set forth under Schedule II of this Ordinance.

C. As defined under §302 of this Ordinance, the number of dwelling units per building or structure shall be as follows:

1. Two-unit attached or duplex: two (2)
2. Townhouses: three (3) to six (6)
3. Multi-Family Dwellings including Garden Apartments: three (3) to eight (8)

D. Off-street parking shall be provided in accordance with the requirements of Article X of this Ordinance.

E. Access roads through the development, if applicable, shall comply with the street standards for Minor Streets, including minimum right-of-way widths, as required by the Blakely Borough Subdivision and Land Development Ordinance, as amended. Direct access of individual parking spaces to the minor street shall not be permitted; instead, private access drives to the parking areas or building groups shall be provided.

F. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards where a multi-family project abuts any existing single- or two-unit dwellings or duplexes. The initial height of the evergreen planting shall be five feet (5').

G. Walkways of such design and construction as approved by the Borough shall be provided from all buildings and/or units to respective parking areas and common open space areas.

H. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers.

I. A minimum of two (2) changes in the front wall plane with a minimum offset of four feet (4') shall be provided for every attached grouping of townhouses in one (1) building.

743A NEW OR USED CAR, MOTORCYCLE, MOPED, ATV OR TRAILER RENTAL OR SALES (Permitted Use: C-1, C-2)

A. No vehicle or trailer on display shall occupy any part of an existing street right-of-way or within the area designated as customer parking.

B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards where the project abuts any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

C. The use shall comply with lighting and glare requirements as set forth in §814 of this Ordinance.

744 OIL AND GAS EXPLORATION, EXTRACTION, AND DEVELOPMENT (Conditional Use: S-2)

A. All oil and gas exploration, extraction, and development operations shall be subject to the requirements of Article IX-A of this Ordinance.

744A NIGHTCLUB, TAVERN OR BOTTLE CLUB (Permitted Uses: C-1, C-2)

A. Evidence of a liquor license issued by the Pa. Liquor Control Board is required prior to the issuance of a zoning permit.

B. All activities associated with the use, including the consumption of alcoholic beverages, shall be performed within an enclosed structure.

C. Any use that proposes seating and/or serving of alcoholic beverage on a patio, deck or other outdoor structure, shall be considered a Special Exception and require approval by the Zoning Hearing Board, in accordance with special exception procedures as set forth in the Ordinance.

745 OUTDOOR EXHIBITIONS, SPORTS ASSEMBLY, ENTERTAINMENT, AND AMUSEMENTS (Special Exception: C-2)

A. Uses defined as Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement in §302 of this Ordinance shall not be located closer than five hundred feet (500') from the following:

1. any Residential Use as listed in Schedule I and defined by Article III of this Ordinance
2. public or private school
3. cultural facility, gallery, or library
4. hospital

B. Minimum setbacks shall be one hundred feet (100') for all yards for all uses defined as Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement in §302 with the exception of miniature golf courses. Minimum setbacks for miniature golf courses shall be fifty feet (50') for all yards.

C. Proof of any licensing from appropriate state or federal agencies shall be required.

D. The noise factor shall be considered, and noise deadening devices or other means to prevent the noise from becoming objectionable to surroundings areas shall be required.

E. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

745A <u>OUTDOOR RECREATION AND SPORTS</u> (Permitted Use: M-1; Special Exception: S-2)

A. Minimum setbacks shall be fifty (50') for all yards for all uses defined as Outdoor Sports in §302 of this Ordinance, with the exception of shooting ranges. Minimum setbacks for shooting or target ranges shall be five hundred feet (500') for all yards.

B. Golf courses shall be designed that golf balls are highly unlikely to enter public roads or abutting properties. Fairways and greens shall be setback a minimum of fifty feet (50') from all property lines.

C. Clubhouses, retail sales of equipment, swimming pools, and restaurants may be permitted as accessory uses to outdoor sports. All buildings and swimming pools shall be located no less than one hundred feet (100') from any Residential Use as listed in Schedule I and defined by Article III of this Ordinance, unless the owner of such abutting use(s) grants a waiver in writing to reduce the setback to fifty feet (50').

D. Clubhouses, retail sales, and restaurants permitted as accessory uses shall meet minimum parking requirements for such uses set forth in Article X of this Ordinance as if they were principal permitted uses.

E. Outdoor shooting or target ranges shall have a barrier behind the target area that is of sufficient height and thickness to adequately provide for public safety. This barrier shall be made of earth for any firearms range.

F. An outdoor shooting or target range shall be setback a minimum of one thousand feet (1000') from any Residential Use as listed in Schedule I and defined by Article III of this Ordinance.

G. An outdoor shooting or target range shall be fenced and properly posted, and shall comply with National Rifle Association standards and other applicable federal, state, or local regulations.

H. Noise limits set forth in §809 of this Ordinance shall be met for all outdoor shooting or target ranges.

I. Hours of operations for outdoor shooting or target ranges shall be limited to 9:00 AM to 7:00 PM.

745B PATIO, DECK, OR GAZEBO (Permitted Accessory Use: All Zone Districts except M-1)

A. Patios, decks, and gazebos, as defined in §302 of this Ordinance, shall be set back a minimum of five (5') from side and rear lot lines and shall meet minimum front yard setbacks as set forth in Schedule II of this Ordinance for the applicable zone district in which the property proposing the patio, deck or gazebo is located.

746 PLANNED RESIDENTIAL DEVELOPMENT (PRD/Cluster) (Special Exception: R-1, S-2)

It is the purpose and intent of this Section to permit and encourage a more varied, efficient, attractive and economical development pattern, to increase flexibility in the location and arrangement of homes; to provide a more usable pattern of open space; to provide for flexibility of design, and to reduce the long-term costs of maintaining infrastructure to the community while furthering the purpose of this Ordinance. The uses permitted in a Planned Residential Development may include all types of residential uses, and those nonresidential uses listed below.

A. Procedure:

Planned Residential Developments shall be processed concurrently with the subdivision/land development process set forth in the Borough Subdivision and Land Development Regulations, and shall comply with the development requirements for a major development or subdivision.

B. Minimum Size:

Planned Residential Developments shall contain a minimum of ten (10) acres of land that shall be part of the same parcel of land and contiguous.

C. Lot Size and Density of Development:

The gross residential density of the PRD shall not exceed one (1) dwelling unit per 10,000 square feet. The developer shall present proposed lot sizes (length, width, and area) as a part of the plan submission. The minimum lot area for single-family detached dwelling unit lots shall be seven thousand (7,000) square feet, and a minimum of sixty percent (60%) of the dwelling types must be single-family detached units.

D. Setbacks:

The PRD developer shall present proposed building setback lines for all lots as a part of the plan submission; however, adjacent structures shall not be located closer than thirty feet (30') to each other. Planned Residential Developments proposing to include two-unit attached dwellings, duplexes, townhouses, multi-family dwellings, garden apartments, or non-residential uses shall not locate those structures closer than one-hundred feet (100') to a perimeter property line of the development. Suitable landscaping and/or screening may be considered as an alternative to the 100' buffer area.

E. Sewers:

Planned Residential Developments shall be served by a central sanitary sewer system.

F. Water Supply:

Planned Residential Developments shall be served by a public or central water supply system. The developer or applicant must present evidence that the PRD is to be supplied by

a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

G. Open Space:

1. All areas of a Planned Residential Development not conveyed to individual lot owners and not occupied by buildings and required or proposed improvements shall be dedicated in perpetuity as permanent open space to be used for the sole benefit and enjoyment of the residents of the development. Land designated as open space shall be maintained as open space and shall not be sold, used to meet open space requirements for other developments, subdivided, developed or dedicated to any other use.

2. Open space areas shall be maintained so that their use and enjoyment as open space are not reduced or destroyed. Open space areas shall be preserved and maintained by either one or both of the following methods:

   a. Dedication to a property owners association that assumes full responsibility for protection and maintenance of the open space.

   b. Deed-restricted private ownership that shall prevent development of the open space, provide for its maintenance, and protect the rights of owners or occupants of the dwelling units of the proposed project to use and enjoy, in perpetuity, such open space.

3. At least fifty percent (50%) of the designated open space area shall be usable for active recreational activities and shall not include wetlands or slopes over twenty-five percent (25%), or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas shall be considered improvement areas.

   In no case shall less than twenty-five percent (25%) of the gross area of the tract or parcel be dedicated to open space. The developer shall submit a schedule or plan, and proposed agreement(s) showing the proposed open space ownership and maintenance, as indicated in item 2.

H. Non-residential Uses:

Non-residential uses shall be permitted to be incorporated into the Planned Residential Development provided the following conditions are satisfied:

1. A minimum of one-hundred (100) dwelling units must be planned for development within the contiguous area of the tract.

2. No non-residential structures may be constructed until a minimum of fifty percent (50%) of the planned dwelling units have been constructed.

3. Non-residential uses shall be limited to the following:

   a. Non-residential uses, including areas for required off-street parking, shall not exceed ten percent (10%) of the gross area of the tract or parcel.

b. All non-residential uses shall meet the applicable zoning regulations for setbacks for the C-1 zone district (Schedule II), parking and loading areas (Schedules III and IV), and parking area landscaping requirements.

c. Only the following uses may be constructed and integrated into a Planned Residential Development:
- Child day-care centers
- Retail businesses serving the development, excluding nightclubs, taverns, and bottle clubs.
- Commercial or professional offices or services, excluding auto repairs, service stations, body shops, and car washes.
- Other non-residential uses deemed to be appropriate by the Zoning Hearing Board for incorporation in the design of the PRD.

747 <u>PRIVATE GARAGE AND CARPORT</u> (Four bays or less, Permitted Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2; Greater than 4 bays, Special Exception Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2)

A. A private garage or carport attached to a principal building shall be considered a part of the principal building and shall conform to the building height limitations and minimum required setbacks for principal structures.

B. Unattached private garages or carports may not be erected in any required front yard, but shall be allowed in side and rear yards, provided that the regulations set forth in this §747 are met. If no rear yard exists due to the configuration of the home on the lot, the zoning officer has the discretion to allow construction in the side yard on a case by case basis.

C. No unattached private garages or carports shall be located closer than ten feet (10') from a principal structure or exceed a wall height of eighteen feet (18').

D. All unattached private garages or carports shall be setback from side property lines the same as the minimum side yard setback for the principal structure (Schedule II) and five feet (5') from the rear property line. If an existing principal structure is located within the required minimum side or rear yard setback, the private garage or carport may be erected at the same setback as the existing principal structure. If the property on which the private garage or carport is proposed abuts an alley, the minimum setback for the side abutting the alley shall be determined by the Zoning Officer or Zoning Hearing Board on a case-by-case basis in congruence with any existing private garages or carports on adjacent properties. Additional greater setbacks may be imposed by the Zoning Hearing Board for unattached garages or carports with more than 4 bays that qualify as a special exception use.

E. Private garages or carports may be located closer to side and rear property lines than the minimum setback requirements under Section 747 D. of this Ordinance if an Affidavit for Accessory Structure is duly executed by the property owner adjacent to the side or rear property line where the private garage is proposed to be located.

F. Private garages or carports attached to a principal dwelling shall not be subject to any bay limitations requiring a special exception use as set forth in this §747.

G. Attached or unattached garages shall be required to be setback 10' from an alley.

748 <u>PRIVATE GREENHOUSE</u> (Permitted Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2)

A. Private, noncommercial greenhouses may not be erected or established in any required front yard, but shall be allowed in side and rear yards.

B. Private greenhouses shall be setback a minimum of ten feet (10') from all side and rear property lines.

C. Private, noncommercial greenhouses shall not exceed five hundred (500) square feet of gross floor area.

D. Private, noncommercial greenhouses covered with plastic shall utilize an aesthetically-pleasing, durable plastic and not a temporary, loose, or unattached flimsy material that may tear, collapse, or cause a noise nuisance in inclement weather.

749 PRIVATE INDOOR RECREATION (Permitted Accessory Use: R-1, R-2, S-1, S-2)

A. A private indoor recreation accessory use as defined by §302 of this Ordinance may only be approved, established, or constructed on parcels of one (1) acre or more.

B. A private indoor recreation accessory use shall not exceed three thousand (3,000) square feet of gross floor area.

C. The use shall only be located within a rear yard and shall be setback a minimum of twenty feet (20') from all property lines.

D. The use shall be effectively screened from adjacent properties by evergreen plantings, subject to approval by the Zoning Officer.

E. The maximum building height shall be twenty-five feet (25').

F. The exterior architectural appearance of the building or structure shall be compatible with that of the principal residential dwelling, subject to approval by the Zoning Hearing Board.

G. No equipment, motors, heating or cooling systems or other similar operational apparatus shall be permitted that produces noise, noxious odor, vibration, electrical interference or radio or electromagnetic interference as regulated under Article VIII of this Ordinance. Lighting and glare associated with the use shall be subject to the requirements set forth in §814 of this Ordinance.

750 FUNERAL HOME OR MORTUARY (Special Exception: R-2, C-1, C-2, I-1)

A. All required off-street parking shall be provided.

B. The outward appearance of the building shall be compatible with, and not detract from, residential areas where it may be proposed.

C. Minimum setbacks shall be as determined by the Zoning Hearing Board.

751 PRIVATE OUTDOOR TENNIS AND SIMILAR COURT (Permitted Accessory Use: R-1, R-2, S-1, S-2)

A. Outdoor tennis and other similar courts, including any apron or walkway, shall only be allowed in rear yards and shall be setback a minimum of fifteen feet (15') from all property lines.

B. Outdoor tennis and other similar courts shall be completely surrounded by a fence, erected in conformance with §728 D. of this Ordinance.

C. Lighting and glare associated with the use shall be subject to the requirements set forth in §814 of this Ordinance. All lights must be off when the court or courts are not in use.

752 PRIVATE SWIMMING POOL AND HOT TUB (Permitted Accessory Use: R-1, R-2, R-3, C-1, C-2, S-1, S-2)

A. In-ground swimming pools shall be completely surrounded by a secure fence, wall, portion of a building, or other structure not less than four feet (4') in height, constructed, installed, secured and enclosed in accordance with the requirements of the Uniform Construction Code. Pool safety and security measures shall be constructed to make it difficult for small children to climb up or slip through. All gates or door openings through the enclosure (other than a door to a building) shall be self-closing and include a self-latched device on the poolside for keeping the gate or door securely closed at times when not in use.

B. Aboveground swimming pools shall include a secure fence, wall, pool wall, or other enclosure a minimum of four feet (4') high above the surrounding average ground level, constructed, installed, secured and enclosed in accordance with the requirements of the Uniform Construction Code. Aboveground pools shall be equipped with an access ladder that can be raised and located in a position that is a minimum of four feet (4') above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended. Exempt from this enclosure requirement are portable swimming pools with a water level less than twenty-four inches (24") deep.

C. Outdoor hot tubs must be securely covered when not in use. Swimming pools must either be drained or securely covered when not in use over an extended period of time (i.e. non-swimming season October 1 through April 30).

D. Private swimming pools shall be setback from side property lines the same as the minimum side yard setback for the principal structure (Schedule II) and five feet (5') from the rear property line. However, private swimming pools may be located closer to side and rear property lines than the minimum setback requirements if an Affidavit for Installation of Swimming Pool is duly executed by the property owner(s) adjacent to the side or rear property line where the private swimming pool is proposed to be located. If pool is located on a non-conforming lot the zoning officer has the authority to allow up to a 50% reduction in-side and rear setbacks.

E. No pool or hot tub shall be in any front yard.

F. No pool or hot tub shall be located above any underground electrical lines or under any overhead electrical lines.

G. All private swimming pools and hot tubs shall not be filled or contain any water until all security measures and safety enclosures, as are set forth in the current edition of the Uniform Construction Code, have been completed and installed by the owner/contractor, and the owner has been issued a Certificate of Occupancy or Compliance by the Zoning Officer and/or Building Inspector.

753 PUBLIC OR COMMERCIAL PARKING (Permitted Use: C-1)

A. Maximum height of a multi-level parking structure shall be forty feet (40') or three (3) levels, whichever is less.

B. A public or commercial parking lot shall not be used for parking of heavy construction equipment, vehicle repairs or vehicle sales.

C. Public or commercial parking lots shall be designed and landscaped in accordance with §1003 of this Ordinance.

D. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

753A GROUP PICNIC AREA OR COMMERCIAL GROVE (Permitted Use: M-1, S-2)

A. A minimum net lot area of two (2) acres shall be required.

B. All structures and recreational facilities shall be set back a minimum of one hundred feet (100') from all property lines and road rights-of-way.

C. Hours of operation shall be limited to 8:00 AM to 10:00 PM.

D. The use shall be subject to nuisance elements as provided for in Article VIII of this Ordinance.

E. Grass areas can be utilized for required off-street parking, but the minimum number of parking spaces shall be as required in Article X of this Ordinance. In no case, shall vehicles be allowed to park on public road rights-of-way.

F. A land development plan shall be submitted to the Borough and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

754 RECYCLING FACILITY (Permitted Use: M-1)

A. Materials to be dropped-off, processed, separated, and/or collected shall be paper, fabric, cardboard, plastic, metal, aluminum and glass. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent emptying to prevent the attraction of insects and/or rodents and to avoid fire hazards.

B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

755 RELIGIOUS INSTITUTION (Permitted Use: R-2, C-1, C-2)

A. Any meeting hall, offices for administration of the institution, banquet facility, licensed child or adult daycare, or playground shall be permitted as accessory uses in conjunction with a religious institution provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the religious institution.

B. Rectories, convents, parsonages, or other religious living quarters shall meet all applicable standards and requirements for residential uses, including the type of dwelling unit proposed in the zone district in which the quarters are located.

756 RESEARCH LABORATORY (Permitted Use: M-1)

A. Research activities that require outdoor facilities shall be enclosed by a fence a minimum of six feet (6') in height.

B. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer.

C. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

756A RESORT OR CONFERENCE CENTER (Special Exception: C-2, S-2)

A. Resorts or conference centers must comply with all requirements for Hotels/Motels as specified under §737 of this Ordinance.

B. In the S-2 zone district, a minimum net buildable area of ten (10) acres shall be required for a resort or conference center.

C. In the S-2 zone district, any proposed resort or conference center may provide one or more types of outdoor recreation and sports as defined by this Ordinance.

D. The outdoor recreation and sports uses proposed in conjunction with a resort or conference center shall meet all requirements for Outdoor Sports and Recreation as specified in §745A of this Ordinance.

757 ROOMING AND BOARDING HOUSE (Special Exception: R-3, C-1)

A. Each sleeping room shall be limited to two (2) adults, with a maximum of three (3) persons per sleeping room.

B. The use shall be limited to a maximum number of sixteen (16) residents, including all permanent residents.

C. Each rental room shall contain a minimum of one hundred fifty (150) square feet of habitable floor space.

D. One (1) full bathroom shall be provided for each four (4) rental rooms.

E. Any type of identifying sign shall be limited to a surface area of six (6) square feet per side.

F. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer and Zoning Hearing Board.

758 SANITARY LANDFILL OR SOLID WASTE FACILITY (Conditional Use: S-2)

A. Solid waste facilities, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall include the following operations: landfills, transfer facility, refuse vehicle staging areas, leaf composting facility, resource recovery facility, and waste disposal and processing facility. Solid waste facilities shall also include solid waste storage areas and vehicular waste transportation staging areas defined as areas designated for the use or staging of any type of vehicle or container utilized for the use of transportation of solid waste.

B. No solid waste facility shall be located closer than five hundred feet (500') to any of the following: existing public right-of-way; property line; residential structure; public, semi-public, or institutional use; commercial or recreational facility. The access road and other improvements, serving the solid waste facility, shall be constructed according to the regulations contained in the Borough Subdivision and Land Development Regulations.

C. All solid waste facilities shall be completely enclosed by a chain link fence not less than ten feet (10') in height. The fence shall be completely erected within six (6) months after issuance of a zoning permit for the facility. All gates shall be closed and locked when the operation is closed for business. The fence and gate shall be maintained in such a manner

as not to become unsightly. There shall be no advertising sign of any kind placed on the fence. The perimeter of the entire facility shall be landscaped to effectively screen the facility from adjacent properties

D. The solid waste facility's hours of operation shall be limited to the following: between the hours of 8:00 AM to 5:00 PM Monday to Friday; between the hours of 8:00 AM to 12:00 PM on Saturday: and shall not operate on Sunday or national holidays. In no event shall filled or partially filled refuse trucks be allowed to remain on site after closing time.

E. Prior to the issuance of a Zoning Permit, the owner/developer of the facility shall prepare a surface water and groundwater study for the proposed operation. The study shall detail the existing surface and subsurface water conditions and explain the precautions that will be undertaken to prevent any surface or groundwater contamination from the proposed facility.

F. All solid waste facilities shall comply with the applicable regulations of the Pennsylvania Department of Environmental Protection (DEP).

G. Exempt from the provisions of this section are:

1. Refuse vehicles parked at retail business establishments for a maximum of three (3) hours while the operator of the refuse vehicle uses the establishment.

2. Solid waste containers designed to accept solid waste from retail business establishments, wholesale business establishments and residential buildings.

758A SAWMILL OR PLANING MILL (Special Exception: S-2)

A. No sawmill or planing mill shall be located closer than five hundred feet (500') from any R-district or residential use as listed in Schedule I and defined by Article III of this Ordinance.

B. No sawmill or planing mill shall operate between the hours of 6:00 PM and 8:00 AM or on Sundays or any Federally-designated holiday(s) selected by the Zoning Hearing Board as part of the Special Exception approval.

759 COLLEGE/UNIVERSITY AND DORMITORY (Special Exception: C-2, S-2)

A. Any proposed college or university must be an accredited educational institution and proof of such accreditation shall be provided to the Zoning Officer and Zoning Hearing Board.

B. A minimum net lot area of ten (10) acres shall be provided for any college or university and associated dormitories.

C. A minimum setback of one hundred feet (100') shall be required for all yards.

D. Dormitories shall be limited to full-time students, faculty, or staff of the college/university.

E. Multiple structures on the site of a college or university shall not be closer to one another than fifty feet (50').

F. Any proposed sports facilities associated with a college or university that fall under the definitions of Commercial Indoor Recreation, Outdoor Recreation and Sports, and/or Outdoor Exhibition, Sports Assembly, Entertainment, and Amusement as defined by this Ordinance shall comply with all applicable requirements for those types of uses as specified in this Article VII.

760 SELF-STORAGE FACILITY (Permitted Use: C-1, C-2, M-1)

A. Minimum distance between buildings shall be twenty feet (20').

B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

C. The facility shall be surrounded by a fence no less than six feet (6') in height and designed to restrict access. There shall be defined entrances and exits.

D. No locker/warehouse shall be used for any of the following:

1. habitation
2. residential purposes
3. storage or keeping of animals
4. storage of food or other types of perishable materials
5. storage of solid or liquid waste
6. storage of hazardous materials

E. No locker/warehouse shall be used for any other purpose except storage, and shall not be used for any other type of commercial or manufacturing activity. No materials, supplies, equipment, or goods shall be stored outside of the warehouse structures, with the exception of vehicles used for the operation of the facility, boats, recreational vehicles, and trailers.

F. The use shall be provided with adequate outdoor lighting for security. Such lighting shall conform to performance standards set forth in Article §814 of this Ordinance.

G. All applications for a zoning permit shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the application and shall provide specific rules to insure the requirements of this §760 are satisfied.

H. All lockers/warehouses shall be fire and water-resistant.

761 SHOPPING MALL, CENTER OR PLAZA (Permitted Use: C-1, C-2)

A. Any site proposed for multiple-occupant commercial establishments shall be held in single ownership or in unified control. The applicant shall provide the Borough with evidence of such ownership or control.

B. One (1) ingress/egress point shall be allowed on each abutting street, except for Business Route 6, where two (2) ingress/egress points shall be allowed. Ingress/egress points shall be designed and constructed according to PennDOT guidelines.

C. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

761A SHED AND STORAGE STRUCTURE (Permitted Accessory Use: All Zone Districts)

A. Sheds and storage structures, as defined under Section 302 of this Ordinance, may not be erected in any required front yard, but shall be allowed in side and rear yards, provided that the regulations set forth in this §761A are met.

B. On corner lots, sheds and storage structures shall not be located in any yard abutting a street right-of-way.

C. Sheds and storage structures shall not be located closer than ten feet (10') from a principal structure or exceed a total height of eighteen feet (18') from floor to roof peak.

D. Sheds and storage structures shall be setback from side property lines the same as the minimum side yard setback for the principal structure (Schedule II) and five feet (5') from the rear property line. If an existing principal structure is located within the required minimum side or rear yard setback, the shed or storage structure may be erected at the same setback as the existing principal structure. If the property on which the shed or storage structure is proposed abuts an alley, the minimum setback for the side abutting the alley shall be determined by the Zoning Officer on a case-by-case basis in congruence with any existing sheds or storage structures on adjacent properties.

E. Sheds and storage structures may be located closer to side and rear property lines than the minimum setback requirements under Section 761A D. if an Affidavit for Accessory Structure is duly executed by the property owner(s) adjacent to the side or rear property line where the shed or storage structure is proposed to be located.

762 SIGN (Permitted Accessory Use: All Zone Districts)

A. All signs shall be subject to the requirements of Article IX of this Ordinance.

763 SLAUGHTERHOUSE (Conditional Use: M-1)

A. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer and Zoning Hearing Board.

B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

764 SOLAR COLLECTOR (Permitted Accessory Use: All Zone Districts)

A. Roof-mounted solar collectors shall be permitted to extend a maximum of five feet (5') above the highest point of the roof of the building or structure on which they are located, but shall not exceed the maximum allowable building height for the zone district in which they are located.

B. Ground-mounted solar collectors shall meet setbacks as determined by the Zoning Officer on a case-by-case basis. Factors in determining the minimum setback requirements for ground-mounted solar collectors shall include, but not be limited to, proximity to other structures on or off premises, roads, alleys, utility lines or easements, floodplain areas, current use of the adjacent properties, and the need for optimum collection of direct solar energy.

C. No roof mounted, or ground mounted solar collectors may produce more than 35% of the average monthly use (for previous 12 months) of the building that they are being installed on to service. Blakely Borough will not participate in any NET metering for any behind the meter generation unless authorized by council and borough management.

764A SOLAR ENERGY FACILITY (Conditional Use: M-1, S-2; Permitted Use: P-1)

A. A minimum net lot area of two (2) acres shall be required. If the solar energy facility is proposed on a parcel that contains an existing use then the minimum net buildable area shall be two (2) acres plus the minimum net lot area of the existing use, as provided for under Schedule II and/or the applicable section of Article VII of this Ordinance.

B. Solar collectors shall not exceed a maximum height of thirty-five feet (35'), which is the maximum building height for the S-2 zone district.

C. A fence may be required around the facility or portions of the facility for safety reasons. The height and type of fencing shall be as determined by the Zoning Hearing Board.

D. Landscaping may be required to screen as much of the solar energy facility features as possible. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

E. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the solar energy facility.

F. Access to the solar energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the solar energy facility is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

G. The applicant shall provide details about anticipated glare from the facility and document how potential nuisances to area properties and public roads will be controlled.

H. No solar power facility shall be located within five hundred feet (500') of any structure listed on any public historic register.

I. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

J. On-site transmission and power lines shall to the greatest extent possible be placed underground.

K. Should any solar power facility cease to be used, the owner or operator or then owner of the land on which the solar power facility is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any solar power facility, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the solar power facility.

L. A land development plan shall be required for all solar energy facilities and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

765 TEMPORARY USE (Permitted Accessory Use: All Zone Districts)

The Zoning Officer may issue a temporary permit for accessory structures or uses necessary during construction, or other special circumstances or events of a nonrecurring nature, subject to the following provisions:

A. The life of such permit, excluding a permit for a temporary portable on-demand storage container (POD) or a temporary outdoor festival, shall not exceed one (1) year and may be renewed semi-annually for an aggregate period of not more than two (2) years.

B. Temporary portable on-demand storage containers (PODs) may be located on private property (off street) subject to the following:

1. The POD may be located on the site for a period not to exceed sixty (60) days in duration from the time of delivery to time of removal. An extension of time may be granted by the Zoning Officer, subject to conditions for an additional time period of thirty (30) days. No more than two (2) extensions of time may be granted for any POD. No POD shall be located on a specific property for more than two (2) 60-day periods in any given calendar year.

2. PODs located on a site that is under re-construction/rehabilitation due to a fire, flood, or other natural disaster shall be exempt from Subsection 1. above and shall be allowed to remain on-site for the duration of the re-construction/rehabilitation for up to a maximum time period of one (1) year.

3. No automobile, trailer, tractor-trailer or any similar unit of this nature may be converted, altered, or changed into a POD.

4. In residential zones, no more than two (2) PODs may be located on a specific property at one time or exceed a size of eight feet six inches (8’6”) in height, ten feet (10’) in width or twenty feet (20’) in length. In non-residential zones, no more than three (3) PODs may be located on a specific property at one time or exceed a size of eight feet six inches (8’6”) in height, ten feet (10’) in width or forty feet (40’) in length.

5. PODs shall not be located closer than five feet (5’) from any side or rear property line, unless placed on an existing impervious driveway. No POD shall be located in a front yard.

6. The property owner shall be responsible to secure the POD in such a manner that it does not endanger the safety of persons or property in the vicinity of the POD. In the event of high winds or other weather conditions where the POD may become a physical danger to persons or property, the Zoning Officer or appropriate law enforcement officers may require the immediate removal of the POD.

C. Such temporary structures or uses shall be removed completely upon the expiration of the permit without cost to the Borough.

D. Recreational vehicles inhabited as temporary uses shall not be located in the Flood Plain Overlay District.

E. Temporary outdoor festivals; carnivals; celebrations; country, craft, or county fairs; block parties; or picnics, held in conjunction with profit or non-profit organizations, shall require a permit, and the use shall not be conducted for a period longer than fourteen (14) days. The organization or individual conducting the activity shall provide the Zoning Officer with specific information on the activity or activities to be conducted and a Certificate of Liability

Insurance prior to the issuance of the zoning permit. Measures for adequate security and clean up and temporary comfort facilities may also be required. No temporary outdoor activity shall conduct any business or event defined as an Adult Business by this Ordinance.

765A TRADE AND TECHNICAL SCHOOL (Permitted Use: C-2, M-1)

A. Copies of all required Federal and state permits and/or licenses shall be provided to the Zoning Officer.

766 TRANSIT-RELATED BUSINESS AND MAINTENANCE FACILITY (Special Exception: M-1)

A. All activities and all storage of equipment, materials, and/or vehicles shall not be located within fifty feet (50') of wetlands, watercourse, or surface drainage facility.

B. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

C. Parking of school and church buses or vans on residential property shall not be considered a bus or truck terminal as defined by this Ordinance.

767 WAREHOUSING OR DISTRIBUTION (Permitted Use: M-1)
OUTDOOR STORAGE (Permitted Accessory Use: C-2, M-1, S-1)

A. Outdoor storage facilities shall be enclosed by a fence or wall a minimum of eight feet (8') in height to conceal such facilities and contents from adjacent properties.

B. All storage of equipment, materials, and/or vehicles shall not be located within fifty feet (50') of wetlands, watercourse, or surface drainage facility, nor shall the equipment, materials and/or vehicles be in a 100-year flood plain area.

767A WASTEWATER TREATMENT FACILITY, NON-MUNICIPAL (Conditional Use: S-2)

A. The following setbacks shall be maintained for the treatment facility and any truck parking or staging areas:

1. two hundred feet (200') from all property lines and road rights-of-way.

2. three hundred feet (300') from any existing residential structure not located on the project parcel.

3. two hundred feet (200') from any water body, watercourse or wetland. This shall not apply to any required discharge or intake structures at the receiving stream or water supply.

B. Ancillary facilities such as offices, employee parking, and accessory structures shall be setback a minimum of fifty feet (50') from all property lines and road rights-of-way.

C. The applicant shall provide a map showing the public roads in the Borough proposed to be used to access the facility and provide an evaluation of the condition of any Borough road that will be used and the potential damage that may occur from such use. The applicant shall also comply with Borough road bonding requirements, if applicable.

D. The facility shall be subject to all applicable requirements of PA DEP and such other state and Federal requirements that may be applicable. A copy of all DEP permits and/or DEP-issued documents and reports associated with the operation shall be submitted to the Borough.

E. Adequate vehicle parking and staging areas shall be provided on site to prevent parking or staging on any public road right-of-way.

767B HYDRAULIC FRACTURING WATER WITHDRAWAL FACILITY (Conditional Use: S-2)

A. Ancillary facilities such as offices, employee parking, and accessory structures shall be setback a minimum of fifty feet (50') from all property lines and road rights-of-way.

B. The facility shall be subject to all applicable requirements of PA DEP and such other state and Federal requirements that may be applicable. A copy of all DEP permits and/or DEP-issued documents and reports associated with the operation shall be submitted to the Borough.

C. Adequate vehicle parking and staging areas shall be provided on site to prevent parking or staging on any public road right-of-way.

768 WATER EXTRACTION AND BOTTLING (Special Exception: S-2)

A. All water extraction and bottling operations as defined by this Ordinance must provide the Borough with evidence of an approved construction/operation permit from the appropriate Commonwealth permitting agency.

769 WINE TASTING ROOM (Permitted Use: C-1, C-2)

A. Any state or federal licensing requirements shall be met and evidence of such licensing shall be provided to the Zoning Officer.

770 WIND ENERGY FACILITY (WIND FARM) (Conditional Use: S-2)

A. A Zoning Permit shall be required for every wind farm and windmill installed at any location in the Borough.

B. All other uses ancillary to the wind farm (such as a business office, maintenance depot, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.

C. A wind farm may be permitted on a property with an existing use subject to the following land development standards:

1. The minimum net lot area, minimum setbacks and maximum height required for the S-2 zone district shall apply to the wind farm and windmills, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum net lot area, density and other requirements of the S-2 zone district.

2. The vehicular access to the equipment building shall, whenever feasible, be provided along existing driveways. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

D. The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.

E. If the parcel on which the wind farm is a separate and distinct parcel, the S-2 zone district minimum net lot area shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than one and one-half (1-½) times its height. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of fifty feet (50') from all property lines.

F. If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of fifty feet (50') from the line of lease, license or easement.

G. No windmill shall be located less than one thousand feet (1,000') from any principal residential structure existing prior to the erection of the windmill.

H. The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind farm and support structure will be designed and constructed in accordance with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.

I. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.

J. Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

K. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the wind farm.

L. Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all-weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

M. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PennDOT Bureau of Aviation.

N. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind farm developer.

O. A wind farm shall not be located within one thousand feet (1,000') of any structure listed on any public historic register.

P. Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Borough shall require a financial guarantee, in a term, form and amount determined by the Borough Council with the advice of the Borough Solicitor, to guarantee the removal of the windmill.

Q. A land development plan shall be required for all solar energy facilities and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

771 WIND TURBINE (Special Exception Accessory Use: R-1, P-1, S-1, S-2)

A. This section shall apply to a wind turbine accessory to a principal structure or existing use that is sized and intended to be used to generate electricity for the principal structure or use to which it is accessory.

B. No accessory wind turbine shall exceed a height (defined as Wine Turbine Height under §302 of this Ordinance) of one hundred feet (100'). Any such structure shall maintain a setback from all property lines not less than one hundred twenty percent (120%) of the height of the structure, but in no case shall be less than fifty feet (50') from any property line.

C. The minimum height between any wind turbine blade and the ground shall not be less than thirty feet (30').

772 POWER FACILITY, EXCLUDING SOLAR & WIND ENERGY (Conditional Use: M-1, S-2; Permitted Use: P-1)

A. No power facility shall be nearer to one another than two thousand feet (2,000').

B. A power facility shall not be located within one thousand feet (1,000') of any structure listed on any public historic register.

C. The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies.

D. A land development plan shall be required for all power facilities and approval of such plan shall be required in accordance with the Borough Subdivision and Land Development Ordinance.

773 MEDICAL MARIJUANA FACILITY (Permitted Uses: C-2, M-1)

A. All uses associated with medical marijuana facilities as regulated by the Medical Marijuana Act (Act 16 of 2016) shall be subject to the requirements of Article IX-B of this Ordinance.

774 ANIMALS IN RESIDENCE DISTRICTS

No animals other than customary household pets shall be kept in residential districts. Household pets shall be limited to a maximum of four (4) per family in R-Districts and shall not include ponies, horses or any animals suitable for human consumption with the following exception.

A. Residents are allowed to have up to six (6) chickens, no roosters.
   1. Must be kept in a secure coop and enclosed run.
   2. Must be in the rear yard only.
   3. Minimum setback for entire coop and run from any property line of 10'.
   4. No commercial breeding, slaughtering, or sales of any kind are permitted.
   5. A permit is required for the structure and the location of shall be inspected by an official of the Blakely Borough Zoning/Code Department.
   6. Must be maintained in a clean and sanitary condition. If complaints are received and confirmed the owner has 30 days to remedy the condition or their permit will be revoked.
   7. If permittee is not the owner of the property written consent of the landlord must be submitted with the permit application.

775 DATA CENTER (MAJOR & MINOR) (Conditional Use: DT Overlay Zone)

A. The following setbacks shall be maintained for the facility and any truck parking or staging areas:

   1. three hundred feet (300') from all property lines and road rights-of-way.

   2. three hundred feet (300') from the property line of the data center parcel to any existing residential parcel not located on the project parcel.

   3. two hundred feet (200') from any water body, watercourse or wetland. This shall not apply to any required discharge or intake structures at the receiving stream or water supply.

B. Ancillary facilities such as offices, employee parking, and accessory structures shall be setback a minimum of fifty feet (50') from all property lines and road rights-of-way.

C. The applicant shall provide a map showing the public roads in the Borough proposed to be used to access the facility and provide an evaluation of the condition of any Borough road that will be used and the potential damage that may occur from such use. The applicant shall also comply with Borough road bonding requirements, if applicable.

D. The facility shall be subject to all applicable requirements of PA DEP and such other state and Federal requirements that may be applicable. A copy of all DEP permits and/or DEP-issued documents and reports associated with the operation shall be submitted to the Borough.

E. A pre-application meeting must be made 30 days before formal submission to the Blakely Borough Planning Commission, which would then make a recommendation to the Blakely Borough Council.

F. Structures shall have a maximum height of 40' measured from the floor of the structure to its highest point. (Schedule II)

G. No on-site electrical generation is allowed. Backup electrical generation is allowed by Schedule I with all applicable rules applying including Section 809.
   Electrical Backup Generation

a. Certification shall be provided by the Regional Transmission Organization that sufficient power is available.
b. Diesel/natural gas generators shall be used sparingly and may not be located closer than 500 feet from any lot line of a residential lot or district. There shall be a minimum separation between individual diesel/natural gas generators of five (5) feet. All generators shall at least have a Tier 4 designation and can only be tested during regular weekday business hours between 9am to 6pm.
c. To reduce sound and exhaust, any grouping of two (2) or more diesel generators shall be surrounded by a fence or wall with a fire-department-accessible gate as well as permanent evergreen shrubbery or tree plantings of a type that will be the height of the wall and time of installation. The total number of generators and gallons of fuel on site shall be provided on all plan submissions.
d. Major and Minor Data Centers shall install and maintain an uninterruptable power supply (UPS) providing adequate automated backup electrical power for continual operation in the event of a disruption of the main power supply. Generators cannot to used for peak shaving or demand response.

H. The data center shall receive electrical power from Blakely Borough Electric Light Company and will reimburse the municipality for all expenses required for this service. It shall include, but not limited to engineering, site work, training, rate calculations, and all other items as deemed necessary by Blakely Borough Council, Manager and Electrical Engineer.

I. The borough will be permitted access to the building and grounds at least 4 times per year to conduct inspections as needed and the data center will participate in any emergency management and fire training that occurs. The facility must also have a "Knox Box" type device for use by the fire department when needed. All buildings shall maintain perimeter access around all sides of the building for fire protection at least 20' wide.

a. All Major and Minor Data Centers shall adhere to the standards of National Fire Protection Association (NFPA) 75, "Standard for the Fire Protection of Information Technology Equipment," as amended.
b. Owners and operators of Major and Minor Data Centers shall be required to participate in annual emergency management and fire mitigation training with the Blakely/Peckville Fire Department and mutual aid companies.
c. The applicant shall furnish evidence of an on-site water supply adequate for and exclusively used for firefighting purposes. The supply must include ample water to mitigate a fire in anticipation of a 10-minute response time for fire service arrival and shall be approved by the Blakely/Peckville Fire Chief on an annual basis.
d. All Major and Minor Data Centers shall be required to provide the Blakely/Peckville Fire Department with any required equipment to properly and safely extinguish a fire. (IE Foam equipment or vehicles etc.…) This will be at the sole expense of the owner/operator.

J. Adequate Utilities Required. The applicant shall provide a letter from all applicable public utilities (i.e., electrical, water, and sewerage providers) certifying that these systems have the capacity to meet the demands of the proposed facility while maintaining the same levels of service to the existing residents and businesses of the Borough. The applicant shall also obtain a similar certification letter from any applicable telecommunications and broadband providers serving Borough residents and businesses.

K. The data center (major or minor) shall be located on at least 20 acres (871,200 sq ft) of land. (Schedule II)

L. Electrical Interference. Major and Minor Data Centers shall not interfere with radio, television, telecommunications, or other electrical signals.

M. Water Conservation. Major and Minor Data Centers shall strive to deploy technologies for water conservation, including utilizing closed loops or recirculation systems to reduce the demand for public water including recycling the captured water via the onsite stormwater management system. This research shall be documented showing the manner in which the major or minor data center will be conserving water consumption.

N. Stormwater Management. Major and Minor Data Centers must comply with all applicable provisions of the Blakely Borough Stormwater Management Ordinance and Article 8, Section 813, as applicable, and Section 516 of the Blakely Borough Subdivision and Land Development Ordinance.

O. Lighting Plan Required. Any development proposal shall include lighting plans which examine exterior lighting functions and identify compliance with the five principles for responsible outdoor lighting published by Dark Sky International. The lighting plan shall conform to Article 8, Section 814, as applicable.

P. Traffic Impact Study Required. Preparation of a transportation impact study following the guidelines in Section 504 the Blakely Borough Subdivision and Land Development Ordinance (SALDO) shall be required, unless the Borough Council, upon the recommendation of the Borough Engineer, specifically exempts the applicant from such requirement. This shall be required Pre and Post Construction to ensure proper facilities exist.

Q. Parking and Loading Requirements. Off-street parking shall be provided at the quantity specified for Industrial Uses as found in Article 10, Schedule III. All other applicable requirements for parking and loading in Article 10 shall also apply.

S. Secondary Access. Development proposals shall show the location of a secondary access point for egress that may be used in case of an emergency.
Accessory Uses and Structures. Accessory, appurtenant, and ancillary uses and structures on the same development tract or part of the same development proposal shall consist of no more than 35% of the total land area of the tract or development.

T. Fences
a. Unless otherwise specified in this ordinance, the center shall be completely enclosed by fencing that consists of a minimum six (6) and maximum 12-foot-high fence with a fire-department-accessible locking gate. The fence shall not include razor, or concertina wire. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers, generators, and substations and on the fence informing individuals of potential voltage hazards. The fence shall also be built on top of a minimum of 3’ high and maximum of 6’ high earthen berm.
b. For Major and Minor Data Centers specifically, a 25-foot-wide buffer area clear of any trees and shrubs shall be maintained on the outside of any perimeter fence for the purpose of security of the facility.

U. Nuisance Elements
Any other possible nuisance elements not specified in this section shall fall under Section 809 of this ordinance, as applicable. Including but not limited to sounds studies that include DBA and DBC information. They shall also provide a means of additional noise reduction at the discretion of the borough manager or zoning/code officer.

V. Existing vegetation shall be maintained to a distance of not less than 50’ from a property line, when abutting any residential use that distance shall be 150’.

W. Building should be painted/sided/sheeted in a color and manner that blends it into the surrounding area as best as possible. This is at the discretion of the zoning officer.

X. The Data Center (Major or Minor) shall provide to the borough environmental impact studies, health studies, sound/noise studies prior to any approval by the Blakely Borough Planning Commission or the Blakely Borough Council. These studies will be paid for by the developer or owner/operator using a qualified professional at the discretion of the borough.

776 SHORT TERM RENTALS (Special Exception: R-1, R-2, R-3, C-1, C-2 and S-2)

A. Purpose

The purpose of this section is to regulate the use of dwelling units as Short-Term Rentals in order to balance economic opportunity with the protection of neighborhood character, public safety, and the quality of life for residents.

B. Definitions

- Short-Term Rental (STR): A dwelling unit, or portion thereof, that is rented to guests for a period of less than thirty (30) consecutive days. Short-Term Rentals may include the rental of an entire dwelling and are typically offered through online platforms or by direct owner/agent arrangements.
- Owner-Occupied Short-Term Rental: A Short-Term Rental where the property is the owner's primary residence and the owner is present on-site during the rental period.
- Non-Owner-Occupied Short-Term Rental: A Short-Term Rental where the property is not the owner's primary residence or the owner is not present during the rental period.

C. Permitted Districts

1. Short-Term Rentals may be permitted as follows:
    - Owner-Occupied and Non-Owner Occupied STRs: Allowed in the above-mentioned districts through a special exception hearing.

D. Operational Standards

1. Occupancy Limits
    - Maximum occupancy shall not exceed two (2) persons per legal bedroom plus two (2) additional persons per dwelling unit.
    - In no case shall occupancy exceed ten (10) persons unless otherwise approved by the municipality.
2. Parking Requirements
    - A minimum of one (1) off-street parking space per bedroom offered for rent shall be provided, if it is an owner-occupied STR two (2) additional off-street parking spaces are required.
    - On-street parking may not be relied upon to meet this requirement.
3. Noise & Nuisance Control
    - Short-Term Rentals must comply with the municipality's noise ordinance and all elements of Section 809 of this ordinance, as applicable.
    - No outdoor amplified sound is permitted between the hours of 10:00 p.m. and 8:00 a.m.
4. Health & Safety Standards
    - Working smoke detectors, carbon monoxide detectors, and fire extinguishers must be installed and maintained.

- Proof of compliance with building, fire, and property maintenance codes may be required prior to issuance of a permit.

5. Insurance
   - Owners must maintain liability insurance coverage of at least $500,000 for the duration of rental use. Verification of this insurance must be provided on the renewal of such insurance to the borough.
6. Permitting
   - Owners must register and obtain a permit from the borough at a cost of $100.00 per year.
   - Each rental unit will be inspected on a yearly basis by the Blakely Borough Zoning Officer using the International Property Maintenance Code.

777 GENERATORS (FUEL and BATTERY) (Permitted Uses: R1, R2, R3, P1 Special Exception: C1, C2, M1, S1, S2, I1)

A. Purpose
The purpose of this section is to regulate the use of generators within the boundaries of Blakely Borough.

B. Location

-Generators shall be located outside and contained within a weatherproof container.

-Generators shall be closed within a container that muffles sound. Additional screening and sound proofing may be necessary for larger industrial generators. This will be determined by the Blakely Borough Zoning Officer.

C. Generators can exercise briefly on an as needed basis as described by their manufacturer. This must take place from 9am to 6pm Monday through Friday.

D. Rating

Generator size based off historical energy consumption. New construction would be based off similar facilities within the municipality.

778 ENERGY STORAGE FACILITIES (Permitted Uses: R1, R2, R3, P1 Special Exception: C1, C2, M1, S1, S2, I1)

A. Purpose
The purpose of this section is to regulate the use of energy storage facilities within the boundaries of Blakely Borough.

B. Location

-Energy storage facilities shall be contained within a weatherproof enclosure.

-Energy storage facilities shall be closed within a container that muffles sound. Additional screening and sound proofing may be necessary for larger industrial uses. This will be determined by the Blakely Borough Zoning Officer.

C. Energy storage facilities must comply with NFPA 855 2023 edition and subsequent amendments that may occur from time to time.

779 Decommissioning Requirements

A. Purpose
The purpose of this section is to ensure that facilities regulated under this Ordinance are properly removed when no longer in active use, and that affected properties are restored in a safe and orderly manner so as to protect the public health, safety, and welfare of the Borough.

B. Applicability
The provisions of this section shall apply to all uses approved under this Ordinance unless otherwise directed by the borough manager or zoning/code department.

C. Abandonment
1. A facility shall be considered abandoned when:
   a. Operations have ceased for a continuous period of twelve (12) months; or
   b. The owner notifies the Borough in writing of the intent to discontinue operations.
2. Upon determination of abandonment, the property owner and/or facility owner shall complete decommissioning in accordance with this section.

D. Decommissioning Plan Required
1. As part of any application for conditional use, special exception, or land development approval, the applicant shall submit a decommissioning plan prepared by a qualified professional engineer.
2. The decommissioning plan shall include:
   a. A description of the physical removal of all structures, equipment, security barriers, foundations, transmission components, and appurtenant facilities;
   b. Methods and timelines for removal;
   c. Procedures for disposal or recycling of materials in accordance with applicable federal, state, and local laws;
   d. Restoration measures for soil stabilization, revegetation, and site grading; and
   e. An itemized estimate of decommissioning costs.

E. Time for Removal
1. Decommissioning and site restoration shall be completed within twelve (12) months following abandonment or cessation of operations.
2. The Borough Council may grant a single extension upon written request and demonstration of good cause.

F. Financial Security
1. Prior to issuance of any zoning permit, building permit, or certificate of occupancy, the applicant shall provide financial security to the Borough in a form acceptable to the Borough Solicitor and Borough Engineer.
2. Acceptable financial security may include:
   a. Irrevocable letter of credit;
   b. Bond;
   c. Escrow account; or
   d. Other security acceptable to Borough Council.
3. The amount of financial security shall:
   a. Be equal to one hundred ten percent (110%) of the estimated decommissioning cost; and
   b. Be reviewed every five (5) years by an independent third-party estimator, at the expense of the owner, and adjusted as necessary to reflect current removal costs.
4. If the owner fails to complete decommissioning within the required time period, the Borough may use financial security to complete removal and restoration.

G. Site Restoration

Following removal of the facility, the site shall be restored as nearly as possible to its condition existing prior to development, including:

- Removal of foundations in its entirety.
- Restoration of topsoil;
- Stabilization and reseeding of disturbed areas; and
- Compliance with applicable stormwater management requirements.

H. Failure to Comply

Failure to comply with the requirements of this section shall constitute a violation of this Ordinance and shall be subject to enforcement remedies and penalties authorized under the Pennsylvania Municipalities Planning Code and other applicable laws.

780 Clean Fill Requirements

A. Fill shall only be allowed to be placed on land within the Borough if it is not contaminated above the DEP maximum contaminated levels for the final intended use. Demolition wastes, putrescent wastes, materials dredged from a river, or wastes resulting from industrial operations shall not be allowed to be used as fill in the Borough and shall not be considered to be "clean fill," except that: a) recycled asphalt may be used within a street right-of-way or under parking areas and b) crushed used concrete may be used as clean fill.

B. Fill shall only be used to re-grade a site or fill in mines or quarry holes if it meets the State DEP's requirements for "clean fill" or otherwise is approved under a DEP permit that authorizes the deposit of the materials. Note - As of enactment date of this Ordinance, such provisions were in 25 PA. Code Chapters 250, 271 and 287, and defined "Clean Fill" as "Uncontaminated, non-water soluble non-decomposable inert solid material. The term includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. (25 Pa. Code §§ 271.101 and 287.101) The term does not include materials placed in or on the waters of the Commonwealth unless otherwise authorized." See also the DEP policy document "Management of Fill."

C. If more than 250 tons of fill material are being brought onto a lot from outside of the Borough of Blakely, then the Zoning Officer shall require that the owner of the property or the entity depositing the fill provide to the Borough a written analysis of the materials. Such analysis shall be completed by an independent environmental laboratory that has federal or state certifications to complete such testing and shall use completely random samples taken by the laboratory staff from various loads. A sample shall be tested from the equivalent of 10 percent of truck loads. The landowner shall be responsible for the costs of the testing, unless the entity conducting the fill operations agrees to pay the costs.

D. If more than 100 tons of fill material are being deposited on the site, the owner of the property or the entity depositing the fill shall provide a written statement to the Borough listing the sources of the material.

E. If the material was originally contaminated, but was cleaned to become clean fill, information must be provided regarding the type of treatment and the entity that performed the treatment.

F. Any placement of fill shall also comply with the Borough Floodplain Ordinance and the Borough Stormwater Ordinance. Any placement of a total of more than 5 tons of fill shall be setback a minimum of 50 feet from the centerline of any perennial creek and 75 feet from the top of the primary bank of the Lackawanna River.

ARTICLE VIII

SUPPLEMENTAL PROVISIONS

801 STREET FRONTAGES REQUIRED

Every principal building shall be built upon a lot with frontage upon a public street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance. However, the Borough Council may approve the subdivision and development of one single family residential lot having no road frontage but access to a public or private road by means of an approved private access drive. Flag lots, as defined in Section 302 of this Ordinance, shall be prohibited.

802 NUMBER OF PRINCIPAL USES ON A LOT IN SINGLE OWNERSHIP

A. Residential Uses and Structures

1. Only one (1) single-family detached dwelling, two-unit attached, or duplex shall be permitted on a lot in a single ownership. Two (2) or more two-unit attached, or duplex structures shall be allowed on a lot under single ownership if the structures are part of a multi-structure, multi-family residential development. See 2. below.

2. Two (2) or more principal multi-family dwellings are permitted on a parcel in a single ownership provided that all applicable requirements for such uses and structures as specified within the Borough Subdivision and Land Development Ordinance and elsewhere in this Zoning Ordinance are met and that the following additional requirements are met:

   a. The minimum distance between multi-family dwelling, garden apartment, and/or townhouse structures shall be as required in §743 of this Ordinance.

B. Non-residential Uses and Structures

1. Two (2) or more non-residential structures shall be permitted on a lot in a single ownership.

2. The minimum distance between permitted principal non-residential structures shall be the sum of their minimum required side yards within the applicable zoning district. Each such non-residential structure to be erected on a single parcel shall meet all applicable requirements for minimum lot area, minimum yards, parking, maximum lot coverage and maximum building coverage of Article VI of this Ordinance, the same as if each such non-residential structure was to be erected on a separate conforming parcel.

3. Single structures designed or used for more than one permitted principal non-residential use (e.g. shopping malls, centers, or plazas; multiple occupancy offices; condominium type commercial professional, office; or retail structures etc.) shall meet all applicable requirements for minimum lot area, minimum yards, maximum lot coverage and maximum building coverage of Article VI of this Ordinance and any specific requirements under Article VII. They shall further meet the parking requirements of Article X of this Ordinance. Where no specific use of any area of any such structure is specified at the time of application for a land development permit, parking for such area shall meet the provisions of Article X of the Ordinance requiring the greatest number of parking spaces for uses permitted in structures of the type to be erected.

803 MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

A. MAXIMUM BUILDING HEIGHT. The maximum height of all buildings and structures within all Zone Districts shall be as provided for in Schedule II of this Ordinance.

B. BUILDING HEIGHT EXCEPTIONS. District height limitations shall not apply to church spires, belfries, cupolas and domes, monuments, chimneys, farm silos, radio and television masts or aerials and parapet walls extending not more than four feet (4') above the limiting height of the building.

C. COMMERCIAL, UTILITY AND INDUSTRIAL STRUCTURE HEIGHT EXCEPTIONS. District height limitations may be exceeded for masts, aerials, towers, chimneys, solar energy equipment, windmills, power facilities, and communications equipment. These height limitation exceptions are subject to specific-use height limitations as set forth in Article VII of this Ordinance.

804 PERVIOUS PAVEMENT STANDARDS REGARDING MAXIMUM LOT COVERAGE

A. When pervious concrete pavement, as defined by this Ordinance, is used in the development of a lot, twenty-five percent (25%) of the area covered by the pervious concrete pavement shall be regarded as impervious surface and shall be calculated as part of the maximum lot coverage requirements set forth in Schedule II of this Ordinance.

B. If other types of pervious surfaces are proposed, they will be reviewed and, if acceptable, approved on a case-by-case basis by the Borough Engineer. The credit for the pervious coverage shall be based upon actual field performance data provided by the manufacturer of such pervious surface type.

C. Pervious concrete pavement and any other approved pervious pavement surface cannot be replaced with any impervious surface material, as defined by this Ordinance. In addition, design and maintenance of the pervious pavement surface shall be done in accordance with the Blakely Borough Storm Water Management Ordinance and the Commonwealth's Storm Water Management Best Management Practices, regardless of the size of the pervious pavement area.

D. Performance of the pervious concrete design, installation, and maintenance shall be guaranteed through the provision of a Developer's Agreement and through the creation of a permanent Improvement Maintenance Guarantee as set forth in the Blakely Borough Subdivision and Land Development Ordinance, as amended.

805 MINIMUM NET LOT AREA PER DWELLING UNIT OR PERMITTED USE

All lots must contain a minimum net lot area per dwelling unit or permitted use as set forth under Schedule II of this Ordinance for the zoning district in which the lot is located. In calculating the minimum net lot area per dwelling unit or permitted use, one hundred percent (100%) of any existing or proposed public and/or private road rights-of-way shall be deducted.

806 BUFFER YARDS AND SCREENING

Buffer yards and/or screening or fencing may be required between residential and nonresidential uses or between Permitted and Special Exception or Conditional Uses. Installation and maintenance of the buffer yard or screening or fence shall be the responsibility of the applicant proposing non-residential or special exception uses and shall be a condition of the application approval. The buffer yards shall comply with the following:

A. The buffer yard shall be measured from the lot or parcel boundary line or from the near street line where a street serves as the lot or parcel boundary line. Buffer yards may not be part of an existing or future street right-of-way, but shall be in addition to that right-of-way.

B. The buffer yard may be coterminous with required side, or rear yards, and in case of conflict, the larger yard requirements shall apply.

C. In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, and rubbish.

D. The buffer yard shall be a landscaped area free of structures, manufacturing, processing activity, materials, storage of materials and vehicular parking. No driveways or streets shall be permitted in the buffer yards except at point of ingress or egress.

E. All buffer yards shall include a dense screen planting of trees, shrubs or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare and noise. Such screen planting shall be in accordance with the following requirements.

1. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one year.

2. The screen planting shall be so placed that at maturity it will not be closer than one foot (1') from any street or property line.

3. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

F. Fences or walls may be required on an individual site basis as a supplement or alternative to required screening. Where required for screening, fences or walls shall be constructed of approved materials in accordance with §728.

807 PROJECTIONS INTO REQUIRED YARDS

Certain architectural features may project into required yards as follows:

A. Cornices, canopies, eaves, or other architectural features may project into required minimum yards a distance not exceeding a total of three feet (3').

B. Fire escapes may project a distance not exceeding four feet, six inches (4’ 6”).

C. Any stair and necessary landings may project a distance not to exceed six feet (6'), provided such stair and landing shall not extend above the first floor of the building.

D. Bay windows, balconies, fire places and chimneys may project a distance not exceeding three feet (3'), provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

808 LANDSCAPING AND NATURAL VEGETATION PROTECTION

A. Residential Uses.

Any part of a residential site where existing vegetation has been disturbed and is not used for dwellings, accessory structures, parking, or sidewalks shall be provided with all-season ground cover.

B. Non-Residential Uses.

A landscaping plan for all non-residential uses shall be required. Minimum landscaping requirements shall be as follows:

1. All disturbed areas of the site and all unusable areas in and around parking facilities shall be landscaped.

2. Plants shall be of a type compatible with the Borough's climate.

3. Required buffers shall be landscaped with evergreen plants and be of adequate size to effectively screen for a reasonable number of years.

4. Attractive natural features shall be preserved to the greatest extent possible.

5. Plastic landscape materials shall not be used in place of live trees, shrubs, and ground cover.

6. All trees to be planted shall have a trunk diameter of at least one inch (1") measured one foot (1') above the ground.

7. Ground cover shall be spaced to allow for complete fill-in within one (1) year of planting.

8. Adequate soil preparation in accordance with accepted landscaping practices shall be required.

9. The property owner shall maintain all landscaping in good growing condition.

809 REGULATION OF NUISANCE ELEMENTS

No land or structure in any Zoning District shall be used or occupied in any manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, electromagnetic or other radiation, or other condition in such manner or in such amount as to affect adversely the reasonable use of the surrounding area or adjoining premises. These regulations also include Ordinance 8 of 2023 that amended Section 809, also know as the "Blakely Borough Noise Control Ordinance". This amendment acts as a supplement to Section 809.

A. Noise Control

1. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is steady, fluctuating or intermittent with a recurrence greater than one time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or beyond the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use

Receiving Land Use Category	Time	Sound Level Limits (dBa & dBc)	
Residential, Public, Open Space, Agricultural or Institutional	1 7:00 a.m.- 7:00 p.m. 2 7:00 p.m.- 7:00 a.m. plus Sundays & Legal Holidays	60 dBA 50 dBA	70 dBc 65 dBc
Commercial or Business	1 7:00 a.m.- 7:00 p.m. 2 7:00 p.m.- 7:00 a.m. plus Sundays & Legal Holidays	65 dBA 60 dBA	75 dBc 70 dBc
Industrial	At all times	70 dBA	80 dBc

2. For any source of sound that emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound that emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen (15)-second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971.

3. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:

   a. The emission of sound for the purpose of alerting persons to the existence of an emergency.

   b. Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.

   c. Domestic power tools or equipment, between the hours of 8:00 AM and 9:00 PM

   d. Explosives and construction operations.

   e. Agriculture.

   f. Motor vehicle operations.

   g. Public celebrations, authorized by the Borough or a non-profit, community-based organization or religious institution.

   h. Surface carriers engaged in commerce by railroad.

   i. The unamplified human voice.

B. Vibration Control

Operating or permitting the operations of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty feet (50') from the source if on a public space or

public right-of-way shall be prohibited. For the purposes of this section, "vibration perception threshold" means the minimum ground-or-structure-borne vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

C. Outdoor Storage Control

1. No flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except for tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located and operated on the same lot as the tanks or drums of fuel.

2. All outdoor storage facilities for fuel, raw materials, and products stored outdoors, including those permitted in paragraph 1 above, shall be enclosed by a fence of a type, construction and size as shall be adequate to protect and conceal the facilities from any adjacent properties. Fencing shall not only encompass the question of safety but also of screening and the screening shall preferably be evergreens. All National Office of Safety and Health Administration (O.S.H.A.) shall be met.

3. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse. Applicable Department of Environmental Protection regulations shall apply.

4. All materials or waste which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. Applicable Department of Health and National O.S.H.A. regulations shall apply.

D. Sewage Waste Treatment and Disposal Control

All methods of sewage and waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Protection and in accordance with the Sewage Plan for the Borough.

E. Dust, Dirt, Smoke, Vapors, Gases, Odors, and Heat Control

1. The air pollution control regulations promulgated by the State Air Pollution Control Act of January 9, 1960, Public Law 2119, as amended, shall be used to control the emissions of dust, dirt, smoke, vapors, gases, odors, and heat in the Borough.

2. The regulations are part of Title 25 Rules and Regulations, Department of Environmental Protection, Subpart C, Protection of Natural Resources, Article III Air Resources.

810 EXCAVATIONS, MINES AND FILL OPERATIONS

Any excavations for the removal of topsoil or other earth materials, stone or mineral products must be carried out with respect for the environment, the health, safety, welfare of the neighborhood and community and meet the specific use requirements of Article VII of this Ordinance. All mining, excavation, filing operations and expansions of the operating areas existing at the time of this Ordinance shall comply with the following permit requirements:

A. The applicant shall submit a soil erosion and stream sedimentation plan in an acceptable form to the Lackawanna County Conservation District.

B. The applicant may be required to submit an environmental effects study defining the impact during activity. The applicant shall submit an operating plan and schedule and a reclamation plan describing the proposed reclamation conditions after the activity is completed. At a minimum, the land shall be returned to approximately the same degree of slope as the surrounding lands and shall be planted with suitably selected new trees or other plant materials to assure successful forest growth or other suitable re-vegetation of the site. Fill materials shall meet PA DEP approval.

C. The applicant will assure, and may be required to post bond to assure, the Borough that the operation will be carried out in a proper manner consistent with preservation of the environment and satisfaction of appropriate State requirements and to assure maintenance of an adequate vegetative cover for a period of five (5) years following conclusion of reclamation activities.

D. The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised more than three feet (3') above the nearest road, that hazardous or nuisance conditions are not created or that an unsightly appearance or unstable slopes are not created. No substance controlled, regulated or monitored by state or federal statute or regulation shall be transported into, transshipped, stored or disposed of within Blakely without Borough approval.

E. Slopes shall be covered with a suitable ground cover. A maximum of a thirty percent (30%) graded incline or decline shall be permitted in relationship to existing adjoining property grades after excavation.

F. The Borough may require an annual permit for operations that extend beyond one (1) year and/or which change in character from the permit description of activity.

G. All activities shall comply with all applicable State and Federal regulations; copies of required licenses and permits shall be provided to the Borough Zoning Officer.

810A SIZE OF DWELLING UNITS

In order to promote the public health, safety and welfare of occupants residing in residential dwelling structures, minimum floor areas for human habitation shall be as required for permanent occupancy by the Uniform Construction Code.

No dwelling unit shall be less than fourteen (14') feet wide.

811 MOBILE HOMES

A. All mobile homes placed upon residential lots or within mobile home parks shall meet the specifications for manufacture of mobile homes set forth in the Uniform Construction Code, as adopted by the Borough. Zoning and Building Permits shall be required for the location and re-location of mobile homes.

B. Mobile homes placed upon residential lots outside of mobile home parks shall comply in all respects with the requirements set forth in this Ordinance for single-family dwellings.

812 MODULAR HOMES

A. All modular homes placed on residential lots shall meet the specifications for manufacture of modular homes set forth in the Uniform Construction Code, as adopted by the Borough. Zoning and Building Permits shall be required for modular homes.

B. Modular homes shall comply in all respects with the requirements set forth in this Ordinance for single-family dwellings.

812A MINIMUM RESIDENTIAL LOT IMPROVEMENTS

Any lot or parcel of land proposed for residential use, whether permanent, seasonal, part time or recreational by means of a permanent or movable housing structure or recreational vehicle shall be improved to certain minimum requirements prior to issuance of a residential occupancy permit.

The minimum required improvements shall include:

A. A safe potable water supply and delivery system.

B. A sewage disposal system which meets all state and Borough requirements.

C. Required off-street parking spaces.

D. Power supply facilities approved by the local utility company.

813 STORM WATER MANAGEMENT

Any development project proposed within Blakely Borough shall meet all storm water management requirements of the Blakely Borough Storm Water Management Ordinance and Pennsylvania Title 25, Chapter 102, Department of Environmental Protection requirements for Erosion and Sedimentation Control. Applicants for Borough Zoning and Building Permits shall prepare and submit storm water management control plans as required by these Pennsylvania Act requirements and also as required by Blakely Borough ordinances governing site grading and drainage and storm water management. Storm Water Management Plans are subject to review and approval by the Borough Engineer.

814 LIGHTING AND GLARE

A. Purpose. To require and set minimum standards for outdoor lighting to:

1. Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.

2. Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.

3. Protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.

4. Protect and retain the suburban character of the Borough.

B. Applicability

1. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multi-family residential, commercial, industrial, public-recreational and institutional.

2. The Zoning Officer, Zoning Hearing Board, or Borough Council may require lighting be incorporated for other uses or locations, as they deem necessary.

3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape and residential lighting.

C. Criteria

1. Illumination Levels

a. Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.

b. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Borough.

c. Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are presented below.

Lighting Intensities for Typical Outdoor Applications		
(a) Parking, multi-family residential,		
• Low vehicular/pedestrian activity	0.2 Min.	4:1
• Medium vehicular/pedestrian activity	0.6 Min.	4:1
(b) Parking, industrial/commercial/institutional/municipal		
• High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events.	0.9 Min.	4:1
• Medium activity, e.g. community shopping centers, office parks, hospitals, commuter lots, cultural/civic/ recreational events	0.6 Min.	4:1
• Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.2 Min.	4:1
(c) Sidewalks	0.5 Avg.	5:1
(d) Building entrances, commercial, industrial, institutional	5.0 Avg.	-
(e) Service Station Pump Islands	10.0 Avg.	
(f) Car Dealerships	20.0 Max.	5:1 Max :Min.

Notes: 1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. E.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4).

2. Lighting Fixture Design

a. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Borough.

b. For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall met IESNA "full-cutoff" criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).

c. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria, shall be permitted only with the approval of the Borough, based upon applicability in retaining the character of the Borough and achieving acceptable glare control.

d. When requested by the Borough, fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.

e. For residential applications, omni-directional fixtures, e.g., post top, wall bracket, wall pack, globe and sphere, shall meet IESNA "full-cutoff" criteria.

f. NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights," shall not be permitted where they are visible from other uses, unless fitted with a reflector to render them full cutoff.

3. Control of Nuisance and Disabling Glare

a. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

b. All outdoor lighting fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element, so that direct light emitted above the horizontal plane is eliminated. All individual outdoor lighting fixtures that illuminate the area under outdoor canopies shall comply with this requirement. Outdoor canopies include, but are not limited to, the following applications:

1). Fuel island canopies associated with service stations and convenience stores.
2). Exterior canopies above storefronts in shopping centers and malls.
3). Exterior canopies above driveways and building entrances.
4). Pavilions and gazebos.

c. Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway. The use of searchlights or laser source lights for advertising or entertainment purposes is prohibited.

d. Unless otherwise permitted by the Zoning Officer, Zoning Hearing Board, or Borough Council, e.g., for safety or security or all-night operations, lighting for commercial, industrial, public, recreational and institutional applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing outdoor lighting fixtures between 11:00 PM. and dawn, to mitigate nuisance glare and sky-lighting consequences.

e. Lighting proposed for use after 11:00 PM, or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be reduced by seventy-five percent (75%) from then until dawn, unless

supporting a specific purpose and approved by the Zoning Officer, Zoning Hearing Board, or Borough Council.

f. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.

g. Illumination for flagpole lighting may not exceed 10,000 lumens.

h. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

i. In no case shall the intensity of illumination exceed 0.1 vertical footcandle measured line-of-site at the property line.

j. Externally illuminated signs and billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11:00 PM and dawn except as specifically approved by appropriate officers or agents of the Borough.

k. Except as specifically approved by appropriate officers or agents of the Borough, fixtures meeting IESNA " full-cutoff" criteria shall not be mounted in excess of twenty feet (20') above finished grade and fixtures not meeting IESNA "cutoff" criteria shall not be mounted in excess of sixteen feet (16') above grade.

l. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11:00 PM and dawn and shall not be in conflict with the Borough's aim to maintain its character.

m. Service-station canopy lighting shall be accomplished using flat-lens full-cutoff downlighting fixtures, shielded in such a manner that the edge of the fixture shield shall be level with or below the light source envelope.

n. The use of white strobe lighting for tall structures such as smokestacks and chimneys is prohibited, and no lights, whatsoever, shall be mounted on a communications tower, except as may be required by the FCC, Federal Aviation Administration, or other government agency that has jurisdiction.

4. Installation

a. For new installations, electrical feeds for fixtures mounted on poles shall be run underground, not overhead.

b. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces shall be placed a minimum of five feet (5') outside paved area or on concrete pedestals at least thirty inches (30") high above the pavement, or suitably protected by other approved means.

c. Lighting fixtures shall not be mounted in excess of twenty feet (20') above grade.

5. Maintenance

Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

D. Plan Submission

1. For subdivision and land-development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval and shall include:

a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent use that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type

b. Isofootcandle plots for individual fixture installations, or 10' x 10' illuminance-grid plots for multi-fixture installations, that demonstrate compliance with the intensity and uniformity requirements as set forth in this Ordinance.

c. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

2. The Zoning Officer, Zoning Hearing Board, or Borough Council may elect, at their discretion, to require that lighting plans for other than subdivision and land development applications also be submitted to the Borough for review and approval.

3. When requested by the Zoning Officer, Zoning Hearing Board, or Borough Council, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and to retain the suburban character of the Borough.

4. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.

E. Post Installation Inspection

The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.

F. Compliance Monitoring

1. Safety Hazards

a. If the Zoning Officer, Zoning Hearing Board, or Borough Council judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.

b. If appropriate corrective action has not been effected within thirty (30) days of written notification, the Borough may commence legal action as provided in Section H. below.

2. Nuisance Glare and Inadequate Illumination Levels

a. When the Zoning Officer, Zoning Hearing Board, or Borough Council judge an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.

b. If appropriate corrective action has not been effected within thirty (30) days of notification, the Borough may commence legal action as provided in Section H. below.

G. Nonconforming Lighting

Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance shall be considered as a lawful nonconformance subject to the following:

Unless minor corrective action is deemed by the Borough to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:

1. It is deemed by the Borough to create a safety hazard
2. It is replaced, abandoned or relocated
3. There is a change in use

H. Violations and Penalties

Any person found to be in violation of the lighting and glare regulations set forth in this section shall be subject to enforcement and penalty regulations set forth in §1209 of this Ordinance.

815 WETLANDS

If the Borough determines that wetlands may be present or may be impacted, a delineation of the wetlands, as defined and regulated by the U.S. Army Corps of Engineers and Fish and Wildlife Service, and PA DEP, may be required on any building and zoning permit proposing a new land-use or expansion of an existing use. The applicant shall be responsible for the delineation and shall guarantee that the wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect.

No development in wetlands shall be undertaken except in accordance with all Federal and state wetland regulations, and evidence of such compliance shall be furnished to the Borough.

No building and zoning approval granted by the Borough shall in any manner be construed to be an approval of compliance by the applicant with any Federal or state wetland regulations. The Borough shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

816 WATERCOURSES AND WATER BODY BUFFERS

A minimum buffer zone or building setback of fifty feet (50') shall be maintained from the top of the bank of any natural watercourse or body of water for the purposes of protecting water quality and ensuring recreational access. No structures, sewage disposal systems, or any impervious surfaces shall be constructed or placed within these buffer zones; exceptions are uncovered docks, boat launches, and street or driveway crossings. In residential subdivisions, these buffer zones shall be established via a protective easement.

ARTICLE IX

SIGN REGULATIONS

901 PURPOSE

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs have the following specific objectives:

1. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;

2. To allow and promote positive conditions for sign communication;

3. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;

4. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.

5. To ensure that the constitutionally guaranteed right of free expression is protected.

902 SCOPE (WHERE THESE REGULATIONS APPLY)

1. The requirements of this Article apply to all on-premise signs, sign structures, awnings, and other types of sign devices located within the Borough, except as specified in Subsection 2, below.

2. Signs and sign structures located in the Borough that cannot be seen from a public roadway are not subject to the size, height, location and number regulations listed herein. These signs must however comply with safety and construction Building Code provisions in the Borough. These types of sign include: signs inside a private property complex not seen from a public roadway; interior signs not seen from the outside of a building; signs in a shopping center that cannot be seen from a roadway.

903 HIERARCHY OF REGULATIONS

1. Where there is a conflict between specific sign regulations and the base or general sign regulations of this Article, the specific sign regulations supersede the base sign regulations.

2. Other conflicts. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this Article, the most restrictive applies.

904 DEFINITIONS

Abandoned Sign - A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

Alteration – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Article, include the following types:

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

    a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non- illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

    b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection - Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for parallel signs contained in this Article. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation. Refer also to Section 906 for visual reference example.

Back-lit Awning - An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner - A flexible substrate on which copy or graphics may be displayed.

Banner Sign - A sign utilizing a banner as its display surface.

Bench Sign – A sign applied or affixed to the seat or back of a bench.

Billboard - See: Off-Premise Sign and Commercial Outdoor Advertising Sign.

Building Facade - That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Building Sign – A sign that is applied or affixed to a building.

Candela – The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower - Synonymous with Candela, but in English, not SI, terms.

Canopy (Attached) - A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

Canopy (Freestanding) - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign - A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

Changeable Sign - A sign with the capability of content change by means of manual or remote input, includes the following types:

1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.

2) Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Channel Letter (open faced) – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

Channel Letter (internally illuminated) – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

Channel Letter (reverse) – A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

Cladding – A non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

Commercial Outdoor Advertising Sign - A permanent off-premise sign erected, maintained or used in the outdoor environment for the purpose of providing copy area for commercial or noncommercial messages.

Conforming Sign – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Copy - The graphic content or message of a sign.

Copy Area of Sign - The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See Section 906 for computational methodology.

Dimensional Letter, Symbol, or Graphic – A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

Directional Sign - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to

dissipate and lose legibility with the gradual appearance and legibility of the second message.

Double-faced Sign - A sign with two faces, back to back.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electric Sign - Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also the following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

Externally Illuminated Sign – See Illuminated Sign.

Exterior Sign - Any sign placed outside a building.

Facade - See Building Facade.

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign - See Wall Sign

Flashing Sign - See Animated Sign, Electrically Activated.

Font – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

Foot Candle – An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 8 for visual reference examples.

Frontage (Property) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Frontage (Building) - The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Ground Sign - See Freestanding Sign

Illuminance – The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign - A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

Internally Illuminated Sign – See Illuminated Sign.

Interior Sign - Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

Listed Sign – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Luminance – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2, and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.

Lux – The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Mansard - A roof-like facade comparable to an exterior building wall. See Section 9 (see Page 26) for visual reference

Marquee - See Canopy (Attached).

Marquee Sign - See Canopy Sign.

Multiple-Faced Sign - A sign containing three (3) or more faces.

Nit – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2.

Non-Conforming Sign - A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

Non-Conforming Use – A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

Off-Premise Sign – See Off-site Advertising Sign under Section 302 of this Ordinance.

On-Premise Sign - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Outdoor Advertising Sign - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

Parallel Sign – See Wall Sign

Parapet - The extension of a building facade above the line of the structural roof.

Perpendicular Sign – See also Freestanding Sign; see also Projecting sign;

Pole Cover or Pylon Cover – An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

Pole Sign - See Freestanding Sign.

Political Sign - A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign - Any cord-connected sign not permanently attached to the ground and can be removed without the use of tools.

Projecting Sign - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Pylon Sign – See Freestanding Sign.

Real Estate Sign - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Revolving Sign - A sign that has the capability to revolve three hundred and sixty degrees (360º) about an axis. See also: Animated Sign, Mechanically Activated.

Roof Line - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as

canopies or marquees shall not be considered to be roof signs. Refer also to Section 9 (see Page 26) for visual reference example of roof signs, and comparison of differences between roof and fascia signs.

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

SI (International System of Units) – The modern metric system of measurement; abbreviated SI for the French term "*Le Systeme International d'Unites*."

Sign - Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

Sign Copy – The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign Structure - Any structure designed for the support of a sign.

Sign Area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double- sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple- sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See Section 9 (see Page 26) for computational methodology for various sign area configurations.

Sign Copy - The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Site – The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.

Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

Temporary Sign - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Trans-Illuminated Sign – See Internally Illuminated Sign

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

V Sign - A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

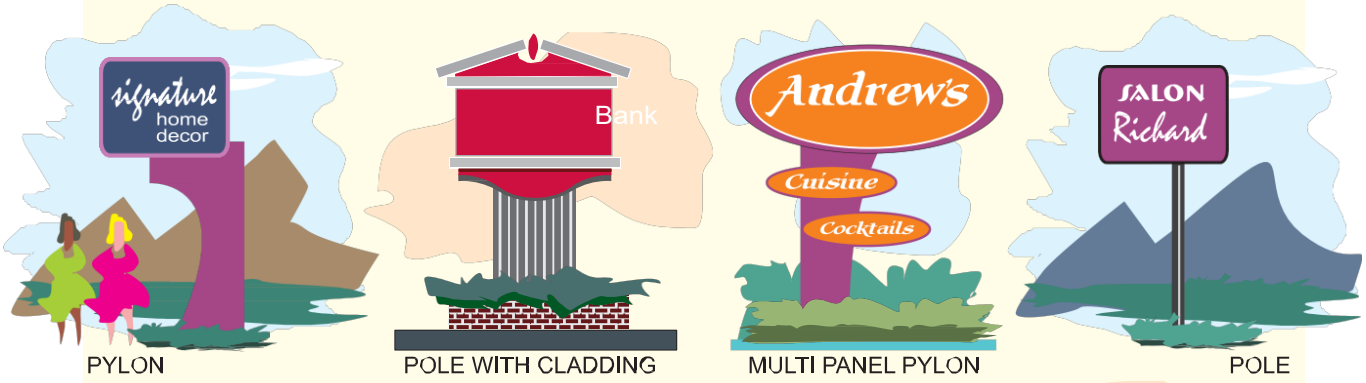
Wall or Fascia Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

Window Sign - A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

905 GENERAL SIGN TYPES

FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or claddlng to conceal structural supports.



PYLON | POLE WITH CLADDING | MULTI PANEL PYLON | POLE

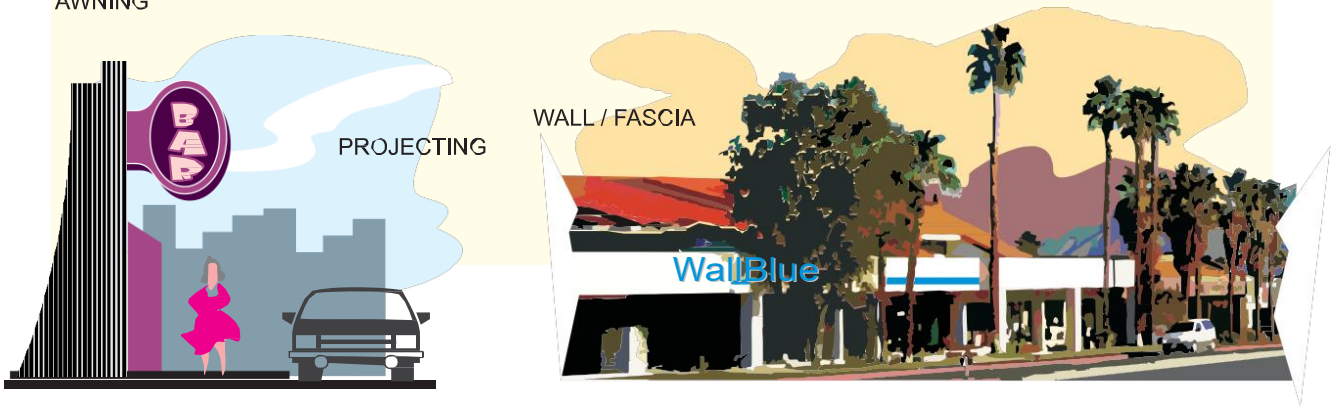


MONUMENT | CANOPY | MONOLITH

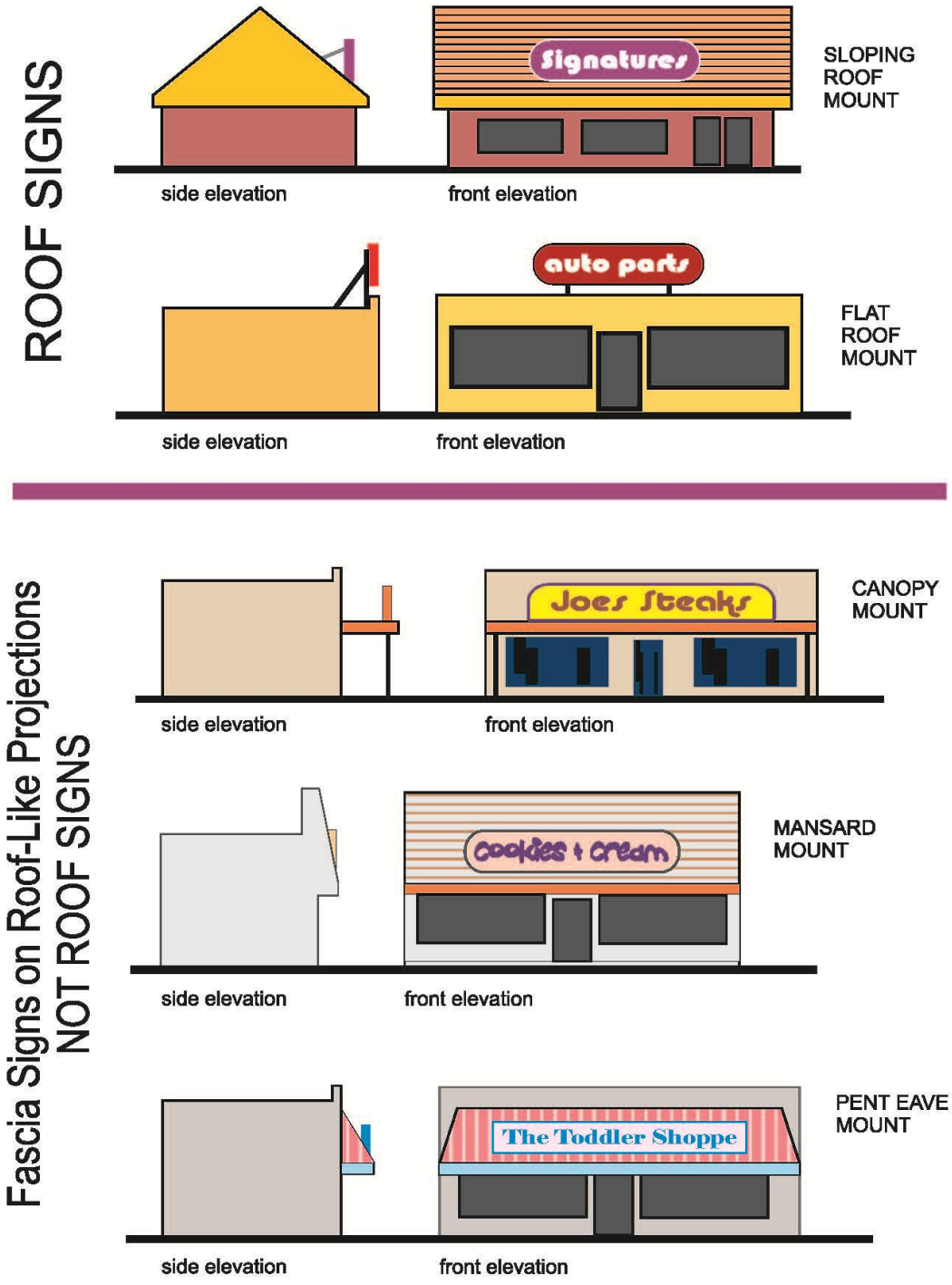
BUILDING SIGNS



AWNING | ROOF

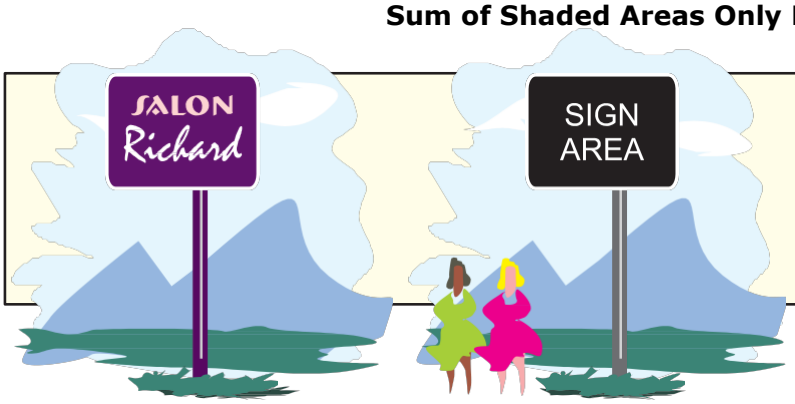


906 COMPARISON - ROOF & WALL OR FASCIA SIGNS



907 SIGN AREA - COMPUTATION METHODOLOGY

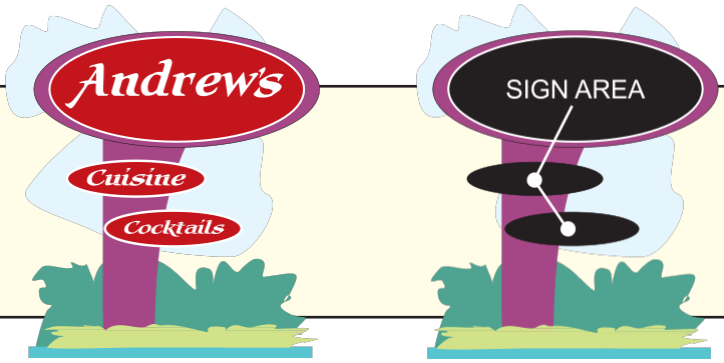
Sum of Shaded Areas Only Represent Sign Area



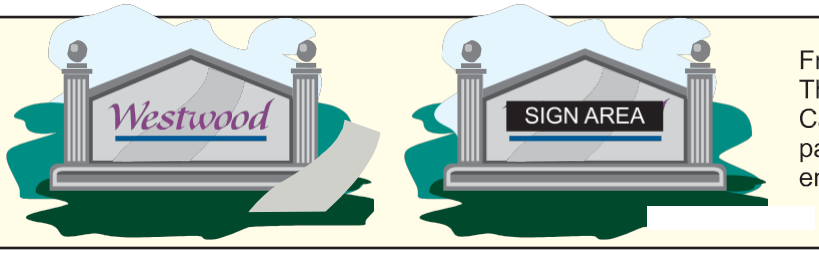
Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.



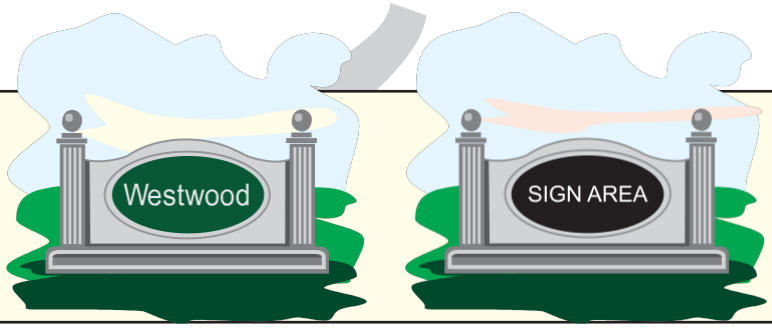
Freestandlng Slgn -
Thematlc Embelllshment - Concealed Support
Calculate slgn area defined by actual rectangular panel surrounding copy. Do not calculate embelllshment or support claddlng



Freestanding Sign -
Multi Panel - Concealed Support
Calculate slgn area deflned by sum of actual oval panels surrounding copy. Do not calculate support cladding

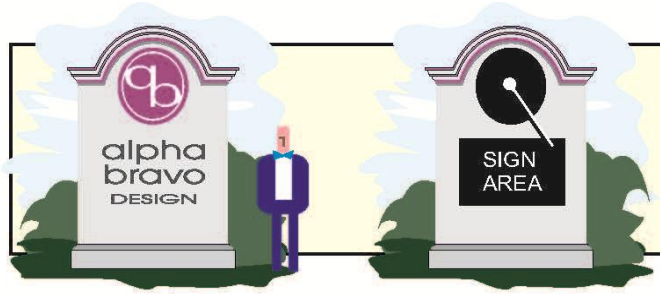


Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background



Freestanding Sign - Monument
Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background

Sign Area Computational Methodology / Ground Signs

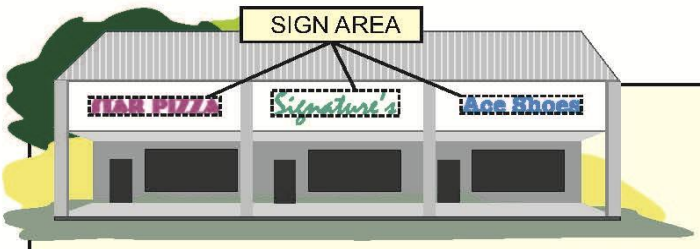


Freestanding Sign - Monument
Thematic Pediment.
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.



Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs



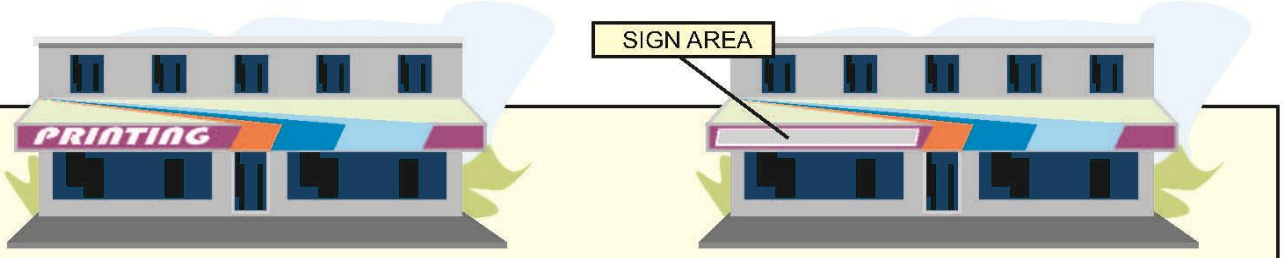


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.



Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.



Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

908 EXEMPTIONS

The following are exempt from the regulations of this Article, but may be subject to other Codes enacted by the Borough where applicable:

A. Signs which are not visible from a public roadway; however, these signs must comply with building code provisions enacted by the Borough;

B. Signs inside a building.

C. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade to qualify under this provision; they must be a part of the physical construction of the building materials comprising the façade; letters or signs that are merely attached to the exterior façade of the building do not qualify, even if the same finish or color;

D. Signs required by federal or state law.

E. Flags & individual pennants (not on a string).

F. Signs required by a municipal authority.

G. Painted and/or applied wall accents and decorations.

H. Illuminated building accents and decorations.

I. Public Art, including Permitted Original Art Murals.

J. Name and Address – Up to two (2) signs indicating address, number and/or name of occupants of the premises, that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification.

K. Decals - Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.

L. Handicapped Parking Space - Signs not exceeding two (2) square feet in area reserving parking for handicapped individuals.

M. Private Drive Signs - On-premise private drive signs are limited to one (1) per driveway entrance, not exceeding two (2) square feet in area.

N. Public Signs - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the Borough.

O. Security and Warning Signs - On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed one (1) sign two (2) square feet in area in residential and conservation zones and one (1) sign five (5) square feet in area in commercial, manufacturing, public, and institutional zones. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.

909 GENERAL PROVISIONS

A. Any sign hereafter erected or maintained shall conform to the provisions of this Ordinance and the provisions of the Uniform Construction Code and any other ordinance or regulations of the Borough.

B. No sign other than an official traffic sign or similar sign shall be erected within the lines of any street or public right-of-way unless specifically authorized by other ordinances or regulations of the Borough or by specific authorization of the municipal authorities.

C. Signs projecting over public walkways may do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of ten feet (10') from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the Borough for such structures.

D. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

E. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall or property line frontage.

F. Mechanically Activated Animated Signs and Electronically Activated Animated Signs are prohibited in all zone districts. Environmentally Activated Animated Signs and Manually Activated Changeable Signs are permitted in all zones. Electrically Activated Changeable Signs are permitted in commercial and manufacturing zones only. Changeable signs, both Manually Activated and Electrically Activated, shall be limited to fifteen (15) square feet per side of total signage area.

G. Signs that emit smoke, visible vapors, particles, sound or odor are prohibited in all zone districts. Open flames used to attract public attention to a place of business or to an advertising sign shall be prohibited in all zone districts. No mirror device shall be used as part of a sign in any zoning district.

H. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Zoning Officer, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Zoning Officer forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten (10) days, the order is not complied with, the Zoning Officer may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

I. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within ten (10) days after written notification from the municipal Zoning Officer; and upon failure to comply with such notice, the Zoning Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.

J. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal non-conforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner.

910 PERMITS

A. The erection and maintenance of Temporary Signs as defined by this Ordinance shall not require permits.

B. Unless specifically exempted in §910 A. above, a permit must be obtained from the Zoning Officer for the erection and maintenance of all signs in the Borough. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this ordinance.

C. Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specifications shall be filed with the Zoning Officer showing the dimensions, materials, and required details of construction including loads, stresses, anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

D. No new sign shall hereafter be erected, constructed, or maintained except as herein provided and until after a permit, if required, has been issued by the Zoning Officer.

E. No sign shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.

F. Permit fees to erect, alter, or relocate a sign shall be in accordance with the sign fee schedule adopted by the Borough.

911 SIGN FACE AREA

A. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet

B. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double- faced signs.

C. Round, Oval & Irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

D. Calculating Sign Area

1. Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

2. Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

912 MEASURING HEIGHT OF SIGNS

A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

B. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

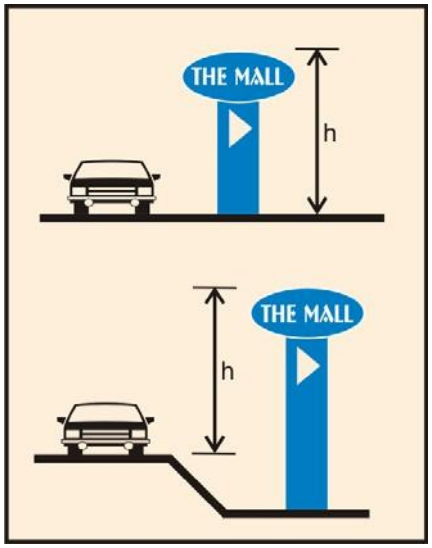


FIGURE A

913 ELECTRICAL STANDARDS

No sign shall be illuminated by other than electrical means, and electrical devices, components, and wiring shall be installed and maintained in accordance with the requirements of the electrical code as adopted by the Borough.

914 SIGN ILLUMINATION STANDARDS

Where permitted, signs may be illuminated consistent with the following standards:

A. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations under Section 814 of this Ordinance.

915 ELECTRONIC MESSAGE CENTERS

A. In commercial and manufacturing zoning districts, Electronic Message Centers (EMCs) are permitted in accordance with the sign areas requirements of Section 915 D. of this Ordinance.

B. Additional general EMC regulations:

(1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

(2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 913 of this Ordinance. "Sign Illumination Standards".

916 REGULATION BY ZONING DISTRICT

A. On-Premise Signs Permitted In All Zones

In addition to any signs designated as allowable in this Ordinance, the following signs and/or sign types are permitted in all zones:

1. One sign per premises or property, suitable for the display of commercial or non-commercial speech, provided that the area of any such sign shall not exceed six (6) square feet, and further provided that, if freestanding, such sign shall not exceed a height above the grade level on which it is placed of four feet (4') to the top of the

sign. Premises or properties with frontage on more than one street shall be permitted one such sign on each separate street frontage.

2. Real Estate signs as defined herein, provided that the area of such signs shall not exceed the following limitations by zone:

   Residential and Conservation - six (6) square feet
   Commercial, Institutional, Public, & Manufacturing - twelve (12) square feet

   and further provided that not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street, in which case one such sign shall be permitted on each street frontage side only during the time in which the property advertised is available for sale, lease, or rental, and must be removed within ten (10) days after execution of an agreement of sale, lease, or rental.

3. Memorial signs or historical signs or tablets, provided that the area of any such sign shall not exceed four (4) square feet.

4. Directional signs as defined herein and as required on any premises or property provided that the area of any such sign shall not exceed the following limitations by zone:

   Residential - four (4) square feet.
   All other zones - nine (9) square feet.

B. On-Premise Signs Permitted In Residential and Conservation Zones

1. Signs of contractors or artisans displayed during the period such contractors or artisans are performing work on the premises on which such signs are displayed, provided that the area of any such sign shall not exceed twelve (12) square feet. Such signs shall be limited to one (1) sign per contractor or artisan, and shall be removed immediately upon completion of the work of the contractor or artisan.

2. One sign per premises advertising a Minimal Impact Home-Based Business provided that the area of any such sign shall not exceed two (2) square feet.

3. Permanent subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex.

4. Signs for permitted non-residential or permitted institutional uses provided that the area of any such sign shall not exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use.

C. General Regulation - On-Premise Signs In Residential and Conservation Zones

1. Unless otherwise regulated by specific reference herein, freestanding signs shall be limited to a height above the grade level on which they are placed of nine (9') feet to the top of the sign.

2. Animated and Illuminated Signs are prohibited.

3. Roof Signs are prohibited.

D. On-Premise Signs Permitted In Commercial, Institutional, Public, & Manufacturing Zones

1. Freestanding Signs:

a. Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street or other property usage, in which case one (1) such sign shall be permitted for each separate street frontage or frontage on other property usage. If a use exceeds three hundred lineal feet (300') on any frontage, one additional such sign on such frontage shall be permitted; and for each multiple of three hundred lineal feet (300') of frontage thereafter, one additional such sign shall be permitted for each separate street frontage or frontage on other property usage.

Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed one hundred (100) square feet in area and thirty (30') in height above grade.

b. In the case of a use designated as a shopping center or planned industrial park with more than one business, one (1) freestanding sign per each three hundred lineal feet (300') of frontage or multiple thereof displaying all the business names shall be permitted for each separate street frontage, frontage on other property usage, and/or for each means of entrance to or exit from the use. The area and height of any such sign shall not exceed thirty-two (32) square feet per business or one hundred ninety-two (192) square feet in total sign area, regardless of the number of businesses, and thirty (30') in height above grade.

c. Within the environs of a use designated as a shopping center or planned industrial park, freestanding signs shall be permitted as required for the primary purpose of promoting traffic safety through the provision of directional information within the environs of the use, provided that any such sign shall not exceed an area and height of thirty-two (32) square feet in area and ten (10') in height above grade.

2. Parallel Signs:

a. Parallel Signs include wall or fascia signs, roof signs, and permanently applied window signs or signs otherwise permanently applied to walls or other building surfaces.

b. The total area of all signs affixed or applied essentially in a parallel plane to any given building facade shall not exceed an area computed as a percentage of the building facade, including window and door areas and cornices to which they are affixed or applied in accordance with Table I below:

TABLE I - PARALLEL SIGNS	
DISTANCE of sign from road	PERCENTAGE of building face or wall permitted for sign area
0 to 100 feet	Fifteen (15%)
101 - 300 feet	Twenty (20%)
Over 300 feet	Twenty-Five (25%)

c. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store, or similar use.

d. Roof signs, Special Considerations:

1. The area calculation in accordance with Table I for any roof sign whose orientation on a roof may be other than parallel to an individual building facade shall be computed with reference to the building facade which most closely parallels the orientation of such sign.

3. Canopy Signs (Also Marquee Signs and Signs on Architectural Projections):

a. Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty percent (40%) of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied.

b. Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.

4. Awning Signs:

a. Signs affixed or applied to the face or side surfaces of an awning or backlit awning provided that the copy area of any such sign, as defined herein, does not exceed an area equal to fifty percent (50%) of the total background area of the awning or backlit awning surface to which it is affixed or applied; or alternatively, does not exceed an amount equal to the amount of copy area permitted for parallel signs as provided herein, whichever is greater.

b. Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted copy area.

5. Projecting Signs:

a. Projecting signs shall be limited to one (1) per building facade on which any

such sign is mounted except for a use that fronts on more than one street or other property usage, in which case, one (1) such sign shall be permitted per facade for each separate street frontage or frontage on other property usage. In the case of a building in which any individual facade exceeds two hundred lineal feet (200'), one (1) such sign shall be permitted for each two hundred lineal feet (200') of such facade or multiple thereof on each separate street or other property usage on which such facade fronts.

b. The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet of the building facade on which such sign is mounted, except that no such sign shall be larger in area than thirty-two (32) square feet.

c. No projecting sign shall extend in a vertical dimension above the highest architectural point of the facade to which it is mounted in excess of twenty-five percent (25%) of the vertical dimension of the facade itself.

d. Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds (2/3) of the width of the sidewalk.

e. Projecting signs shall not be permitted in addition to any permitted freestanding signs on any given property frontage, except that, in the case in which a premises is permitted either freestanding or projecting signs on any one frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements herein specifically relating to size, height, and extension of projecting signs are met.

6. Under Canopy Signs:

Signs affixed to the underside of a canopy, marquee, or architectural projection shall be limited to a copy area not to exceed eight (8) square feet. One such sign shall be permitted for each means of entrance to or exit from a premises utilizing a canopy-type structure, and/or for every one hundred lineal feet (100') of such canopy-type structure.

ARTICLE IX-A

OIL AND GAS EXPLORATION, EXTRACTION, AND DEVELOPMENT

901-A PURPOSE

The purpose of this article is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the Borough's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Borough. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Borough.

902-A DEFINITIONS

Applicant - Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

Building - An occupied structure with walls and roof with which persons live or customarily work. The term shall not include a barn, shed or other storage building.

Collector Street - A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. For the purposes of this Article IX-A, all state- and county-owned roads are considered collector streets.

Department - The Pennsylvania Department of Environmental Protection (PA DEP).

Derrick - Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling Pad - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Fracking - The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.

Local Street - A public street or road designed to provide access to abutting lots and to discourage through traffic.

Oil and Gas - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development or Development - The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or Gas Well - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or Gas Well Site - The location of facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

Operator - The person designated as the well operator on the permit application or well registration.

Owner - A person, who owns, manages, leases, controls or possesses an oil or gas well.

Natural Gas Compressor Station - A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

Storage Well - A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.

903-A ZONING CLASSIFICATIONS

Subject to the provisions of this ordinance:

A. An oil or gas well site that would be placed more than five hundred feet (500') from all property lines of the property where the oil or gas well is sited is permitted within the S-2 Zoning District as a Conditional Use.

B. Oil and gas well sites are prohibited within all other Zoning Districts.

C. A natural gas compressor station or a natural gas processing plant or any similar facilities performing the equivalent functions that would be located more than one thousand feet (1000') from all property lines of the property where the natural gas compressor station or the natural gas processing plant or similar facility is located is permitted within the S-2 Zoning District as a Conditional Use.

D. Natural gas compressor stations or natural gas processing plants or any similar facilities performing the equivalent functions are prohibited within all other Zoning Districts.

904-A APPLICABILITY

A. This Article IX-A applies to all oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of this ordinance.

B. Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this ordinance shall not be

required to meet the requirements of this ordinance; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a permit under this ordinance.

C. Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Blakely Borough acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

905-A PERMIT REQUIREMENT

A. No oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within Blakely Borough unless a zoning permit has been issued by the Borough to the owner or operator approving the construction or preparation of the site for oil or gas development or construction of natural gas compressor stations or natural gas processing plants.

B. The zoning permit application, or amended zoning permit application, shall be accompanied by a fee as established by resolution in the Borough's schedule of fees.

C. Any modification to an existing and permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the zoning permit under this ordinance. Like-kind replacements shall not require a zoning permit modification.

906-A PRE-APPLICATION CONFERENCES

A. *Purpose*

Before submitting an application the applicant is strongly encouraged to meet with Borough officials to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Borough before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

B. *Process*

A pre-application conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Borough to approve any application for a permit or to act within any time limit relative to the date of such conference.

907-A PERMIT APPLICATION AND REQUEST FOR HEARING

A. The applicant shall provide to the Borough a request for a Conditional Use Hearing, applicable fees, and a permit application with the following:

1. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.

2. A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

3. The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Borough for information of Emergency Responders.

4. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Borough and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all Emergency Providers.

5. A location map of the oil or gas well site showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets and shall be undisturbed.

6. A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.

7. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

8. A certification or evidence satisfactory to the Borough that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Borough roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough solicitor, regarding the maintenance and repair of the Borough streets that are to be used by vehicles for site construction, drilling activities and site operations.

9. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

10. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Borough and all Emergency Responders.

11. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Borough and all Emergency Responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while drilling activities are taking place at the oil or gas well site.

12. Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.

13. A copy of the documents submitted to the department (PA DEP), or if no document has been submitted to the department (PA DEP), a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.

14. A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.

15. A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

908-A DESIGN AND INSTALLATION

A. *Access*

1. No oil or gas well site shall have access solely through a local street. Access to the oil or gas well site shall be from a collector street.

2. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

B. *Structure Height*

1. Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

2. Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

3. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well.

   a. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well.

   b. Provided further the time period of such drilling and exemption shall not exceed six (6) months.

   c. The operator shall give the Borough prior written notice of the beginning date for its exercise of the exemption.

C. *Setbacks*

1. Drilling rigs shall be located a minimum setback distance of 2.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

2. The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.

3. Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

4. Exemption from the standards established in this subsection may be granted by the Borough upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.

5. Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back two hundred feet (200') from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

D. *Screening and Fencing*

1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned 24-hour on-site supervision and security are provided.

2. Upon completion of drilling or re-drilling, security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

3. Security fencing shall be at least six feet (6') in height equipped with lockable gates at every access point and having openings no less than twelve feet (12') wide. A landscaped buffer strip shall be provided on the outside of the fencing.

4. Emergency Responders shall be given means to access oil or gas well site in case of an emergency.

5. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

6. In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

E. *Lighting*

1. Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, so as to minimize the glare on public roads and nearby buildings within one hundred feet (100') of the oil or gas well development.

2. Lighting at a natural gas compressor station or a natural gas processing plant shall be limited to security lighting.

F. *Noise*

1. The applicant shall take the following steps to minimize noise resulting from the oil or gas well development.

2. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two (72) hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one hundred feet (100') from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two (72) hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

3. The applicant shall provide the Borough documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

4. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection 2. above by more than:

   a. 5 decibels during drilling activities.
   b. 10 decibels during hydraulic fracturing operations.
   c. 5 decibels for a gas compressor station or a natural gas processing plant.
   d. Allowable increase in subsection c. above shall not exceed the average ambient noise level for more than ten (10) minutes within any one-hour period.

5. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

6. Exemption from the standards established in this subsection may be granted by the Borough during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Borough.

7. Complaints received by the Borough shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of forty-eight hours at the nearest property line to the complainant's residential or public building or one-hundred feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Borough and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

8. Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

G. *Prohibitions*

1. No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.

2. No drilling shall be allowed in the 100-year flood plain as shown on the Federal Emergency Management Agency (FEMA) maps.

ARTICLE IX-B

MEDICAL MARIJUANA FACILITIES

901-B PURPOSE

The purpose of this article is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania "Medical Marijuana Act" (PA Act 16, 2016) to allow for the integration of an allowed industry while providing for the protection of the public's health, safety, morals, and general welfare.

902-B DISTRICT REGULATIONS

A. Academic Clinical Research Centers are permitted in the C-2 and M-1 zone districts with consideration for the applicable performance standards found in this Article IX-B.

B. Medical Marijuana Grower/Processors are permitted in the C-2 and M-1 zone districts with consideration for the applicable performance standards found in this Article IX-B.

C. Medical Marijuana Transport Vehicle Offices are permitted in the C-2 zone district, with consideration for the applicable performance standards found in this Article IX-B.

D. Medical Marijuana Dispensaries are permitted in the C-2 zone district, with consideration for the applicable performance standards found in this Article IX-B.

903-B DEFINITIONS

A. **Academic Clinical Research Center** – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

B. **Caregiver** - The individual designated by a patient to deliver medical marijuana.

C. **Certified Medical Use** – The acquisition, possession, use, or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

D. **Clinical Registrant** - An entity that:

1. Holds a permit both as a grower/processor and a dispensary; and

2. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

E. **Dispensary** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health (DOH) of the Commonwealth to dispense medical marijuana.

F. **Form of Medical Marijuana** - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

G. **Grower/Processor** - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the DOH to grow and process medical marijuana.

H. **Identification Card** - A document issued by the DOH that permits access to medical marijuana.

I. **Medical Marijuana** - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

J. **Medical Marijuana Organization or Facility** - A dispensary or a grower/processor of marijuana for medical purposes.

K. **Medical Marijuana Delivery Vehicle Office** - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

L. **Registry** - The registry established by the DOH for all medical marijuana organizations and practitioners.

904-B USE REGULATIONS

A. ACADEMIC CLINICAL RESEARCH CENTERS

1. Parking requirements will following the parking schedule found in Article X of this Ordinance as listed for trade and technical schools.

2. An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

3. All external lighting serving an academic clinical research center must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as established in Article XIII.

4. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

B. MEDICAL MARIJUANA GROWER/PROCESSOR

1. A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

2. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation, and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.

3. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

4. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH Policy and shall not be placed within any unsecure exterior refuse containers.

5. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

6. Growers/processors may not locate within 1,000 feet of the property line of a public or private school or child day-care center.

7. All external lighting serving a medical marijuana grower/processor must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.

8. Parking requirements shall follow the parking schedule found in Article X for Light Industry land-uses.

9. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

10. Entrances and driveways to a medical marijuana grower/processor must be designed to accommodate the anticipated vehicles used to service the facility.

    a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).

11. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

C. MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE

1. A traffic impact study is required where the office is operated.

2. Parking requirements will follow the parking schedule found in Article X of this Ordinance for transit-related businesses.

3. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.

4. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

5. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.

   a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).

6. If for some reason a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a medical marijuana grower/producer and dispensary.

7. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

D. MEDICAL MARIJUANA DISPENSARY

1. A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

2. A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

3. A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

4. Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

5. Permitted hours of operation of a dispensary shall be 8 am to 8 pm of the same calendar day.

6. A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of product, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

7. A medical marijuana dispensary shall:

   a. Not have a drive-through service;
   b. Not have outdoor seating areas;
   c. Not have outdoor vending machines;
   d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
   e. Not offer direct or home delivery service.

8. A medical marijuana dispensary may dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

9. A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public or private school or a child day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

10. A medical marijuana dispensary shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the grower/processor or academic clinical research centers and the specific dispensary they serve, or with which they partner.

11. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or a day-care center.

12. All external lighting serving a medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.

13. Parking requirements will follow the parking schedule found in Article X of this Ordinance for medical clinics.

14. All external lighting serving a medical marijuana transport vehicle service must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties as regulated in Article XIII of this Ordinance.

15. A ten-foot-wide (10') evergreen buffer strip shall be provided along all side and rear yards that abut any Residential Use as listed in Schedule I and defined by Article III of this Ordinance. The initial height of the evergreen planting shall be five feet (5').

16. Entrances and driveways to a medical marijuana transport vehicle service must be designed to accommodate the anticipated vehicles used to service the facility.

    a. All accesses must secure the appropriate highway occupancy permit (State, County or Borough).

17. Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment.

ARTICLE X

OFF-STREET PARKING AND LOADING

1001 REQUIRED OFF-STREET PARKING SPACES

It is the intent of this Article to provide adequate off-street parking for all residents, clients, customers and employees of every use.

The following provisions of Schedule III apply to new uses and to any enlargement or expansion of an existing use.

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use that, after the effective date of this Ordinance, is established, erected, enlarged or altered for any of the following purposes or uses in any district: (For uses not specifically listed, the requirements for the most similar use listed shall be followed. When a use not specifically listed is dissimilar from listed uses, the Borough Zoning Hearing Board shall determine the requirements based upon the intent of this Article as stated above.)

SCHEDULE III
OFF-STREET PARKING REQUIREMENTS

(sfgfa = square feet of gross floor area; sf = square feet)

Land Use	Required Parking Spaces
Residential Uses	
Single-family dwellings	2 spaces per dwelling unit
Two-unit attached dwellings	2 spaces per dwelling unit
Duplex (over/under)	2 spaces per dwelling unit
Townhouses	2 spaces per dwelling unit
Multi-family dwellings, garden apartments	2 spaces per dwelling unit
Planned Residential Development (cluster)	2 spaces per dwelling unit
Mobile Home Parks	1 space per dwelling unit
Apartments with Commercial Use	1 space per dwelling unit
Group Homes	1 space per two beds + 1 space per employee on largest shift
Rooming and Boarding Houses	1 space per rental unit + 2 spaces per permanent dwelling unit
Bed and Breakfast Inns and Short Term Rentals	1 space per rental unit + 2 spaces per permanent dwelling unit
Assisted Living, Nursing & Personal Care Homes	1 space per 3 residents + 1 space per employee on largest shift
Retirement Housing	0.75 spaces per dwelling unit
Hotels/Motels	1 space per rental unit + 1 space per 3 three employees on largest shift + 1 space per 400 sf of meeting area + 1 space per 3 seats of restaurant area
Conversion from Non-residential Use to Residential Units	2 spaces per conversion unit
Commercial Uses	
Adult Businesses	1 space per 300 sfgfa open to the public
Animal Hospital, Kennel or Veterinary Clinic	1 space per 400 sfgfa open to the public; no fewer than 4 spaces
Auto Repairs, Service Stations, Auto Body Shops, and Car Washes	Auto Repairs, Service Stations, Body Shops: 1 space per service bay and mechanic Car Wash: two stacking spaces per bay + 1.5 spaces per employee on largest shift
Banks, Finance, and Insurance	1 space per 300 sfgfa open to the public + 5 stacking spaces for each drive-through window
Banquet Facilities	1 space per 4 seats at maximum capacity
Bicycle Rentals or Sales	3 spaces per 1,000 sf of showroom or outdoor display area + 1 space per employee on largest shift
Boutique Wineries	1 space per 400 sfgfa open to the public + 1 space per employee on largest shift
Bulk Fuel Storage	1.5 spaces per employee on largest shift
Commercial Greenhouses or Nurseries	1 space per 1,000 sf of sales area
Commercial or Professional Offices or Services	1 space per 300 sfgfa **open to the public**
Contractor's Offices and Yards	1.5 spaces per employee on largest shift
Convenient Store with Gas Pumps	1 space per 200 sfgfa open to the public
Flea Markets	1 space per 500 sf of sales area, indoor or outdoor
Funeral Homes or Mortuaries	1 space per 5 seats at maximum cap. + 1 space per employee on largest shift
Horse Stables	1 space per 3 horses boarded on premise
Lumberyards	3 spaces per 1,000 sf of sales area + 1 space per employee on largest shift
New or Used Car, Motorcycle, Moped, ATV, or Trailer Rentals or Sales	3 spaces per 1,000 sf of showroom or outdoor display area + 1 per employee on largest shift
Nightclubs, Taverns and BYOB Establishments	1 space per every 3 seats

Land Use	Required Parking Spaces
Restaurants, Cafes or Coffee Houses	1 space per every 3 seats + 1 space per 2 employees on largest shift + 5 stacking spaces for each drive-through window (if applicable) Carry-out Restaurant: no fewer than 5 spaces
Retail Businesses	1 space per 300 sfgfa open to the public
Self-Storage Facilities	1 space per 10 storage units + 1 space per employee on largest shift
Shopping Malls, Centers or Plazas	1 space per 300 sf of leaseable area
Transit-Related Businesses and Maintenance Facilities	1.5 spaces per employee on largest shift
Wholesale Businesses	1 space per 800 sfgfa
Wine Tasting Rooms	1 space per 400 sf open to the public
Manufacturing Uses	
Industry, Heavy	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Industry, Light	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Junk Yards & Automobile Wrecking	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Machine Shops	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Recycling Facilities	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Research Laboratories	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Sawmills	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Slaughterhouses	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Solid Waste Facilities	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Tire Re-treading and Recapping	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Warehousing, Distribution, or Outdoor Storage	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Services & Public Uses	
Abused Person Shelters	1 space per 3 sleeping rooms + 1 space per employee on largest shift
Adult or Child Day Care Centers or Nursery Schools and Preschools	1 space per employee on largest shift + 1 space per 6 clients/students at maximum designed capacity
Colleges and Dormitories	Colleges: 1 space per 3 employees/faculty + 1 space per 3 students not residing on campus. Dormitories: Spaces equal to 75% of maximum designed occupancy.
Drug or Other Treatment Centers	1 space per 2 beds + 1 space per employee on largest shift
Hospitals	1 space per 5 beds + 1 space per 2 employees on largest shift + 1 space per doctor on staff
Medical Clinics & Social Services	1 space per examination room + 1 space per employee on largest shift + 1 space per doctor on staff
Public and Semi-Public Buildings & Uses	Non-School Public or Semi-Public Building: 1 space per 400 sfgfa open to public + 1 space per employee on largest shift. Public or Private Elementary/Middle School: 1 space per teacher and staff member + 1 space per classroom. Public or Private High School: 1 space per teacher and staff member + 5 spaces per classroom.
Religious Institutions	1 space per 4 seats + 1 space per 200 sf of meeting room area + 1 space per 2 employees
Social Services	1 space per 300 sfgfa
Television/Radio Stations Publishing & Information Services	5 spaces + 1 space per employee on largest shift
Trade & Technical Schools	1 space per 2 students based on maximum designed capacity + 1 space per instructor and/or employee

Land Use	Required Parking Spaces
Recreational Uses	
Campgrounds	1 space per camp site
Commercial Indoor Recreation	Amusement Arcade: 1 space per 300 sfgfa + 1 space per 2 game machines. Billiard Hall: 2 spaces per table. Bowling Alley: 5 spaces per alley + 1 space per employee on largest shift. Health or Membership Club: 1 space per 2 patrons based on maximum designed capacity + 1 space per employee on largest shift. Indoor Courts: 3 spaces + 2 spaces per court. Indoor Swimming Pools: 1 space per 75 sf of water area. Indoor Skating Rinks, Shoot Ranges, Gymnasium: 1 space per 300 sfgfa.
Cultural Facilities, Galleries and Libraries	1 space per 400 sfgfa open to the public + 1 space per employee on largest shift
Fraternal, Civic, or Social Clubs	1 space per 300 sfgfa open to the public
Outdoor Recreation, Entertainment, and Sports	Amusement Park: 1 space per 300 sfgfa of enclosed buildings + spaces equal to 33% of maximum capacity of outdoor facilities. Arena or Stadium: 1 space per 3 seats (bench capacity computed at 1 seat for each 36" of bench length). Golf Course, Drive Range, or Miniature Golf: 2 spaces per hole and/or tee + 1 space per 2 employees on largest shift. Groves and/or Outing Facilities: Spaces equal to 10% of active recreation area. Shooting or Archery Range: 1 space per target area. Racetrack or Cart-Track: 1 space per seats (bench capacity computed at 1 seat for each 36" of bench length). Tennis Courts: 2 spaces per court. Zoos: 1 space per 2000 sf of land area.
Theaters	1 space per 3 seats (bench capacity computed at 1 seat for each 36" of bench length) + 1 space per 2 employees on largest shift
Resource Production and Extraction Uses	
Agricultural Products Processing	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Power Facility	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Mineral and Natural Resource Processing	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces
Water Extraction & Bottling	1.5 spaces per employee on largest shift + a minimum of 2 visitor spaces

1002 GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

A. Existing Parking

Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article so long as the kind 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 to an amount less than that required by this Ordinance.

B. Fractional Space

Where the computation of required parking spaces results in a fractional number, the fraction of one quarter or more shall be counted as one.

C. Changes in Use

Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Schedule III, for an increase of ten percent (10%) or more in the number

of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.

D. Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

E. Continuing Character of Obligation

All required parking facilities shall be provided and maintained so long as the use that the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

F. Joint Use

Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as otherwise specified in this section.

G. Mixed Uses

Where a permitted use contains or includes more than one of the types of uses identified in Schedule III, the number of parking spaces required shall be computed according to the most restrictive parking requirements.

H. Location of Parking Spaces

Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred feet (400') walking distance of the principal use.

I. Modification of Parking Requirements

The Zoning Hearing Board may authorize a modification, reduction, or waiver of the off-street parking requirements in exceptional cases of use, zone lot size or shape, or other unusual situations.

1003 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

A. Applicability

All off-street parking areas shall be designed in accordance with the regulations established by the Americans with Disabilities Act (ADA).

The additional design standards specified in this Section shall be mandatory for all new off-street parking facilities with a capacity of four (4) or more vehicles.

B. General Requirement

Such facilities shall be designed so that their use shall not constitute a nuisance, or hazard, or unreasonable impediment to traffic

C. Space and Aisle Dimensions

All parking spaces shall have a total stall area of no less than one hundred eighty (180) square feet. The minimum parking aisle width for 90^{O}F parking shall be twenty-four feet (24'); for 45^{O} parking it shall be fifteen feet (15') and for 30^{O} parking it shall be eighteen feet (18').

D. Accessibility

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.

E. Entrance and Exit Drives

The width of entrance and exit drives shall be a minimum of twelve feet (12') and maximum of fifteen feet (15') at the curb line for one-way use only and a minimum of twenty feet (20') and maximum of thirty feet (30') at the curb line for two-way use. Driveways entering state highways shall meet PennDOT regulations and a Highway Occupancy Permit shall be acquired from PennDOT. Driveways entering county-owned roadways shall meet county regulations and a permit shall be acquired from the county.

F. Access Points

At least forty feet (40') shall be provided between access points and no access point shall be closer than thirty feet (30') from any street intersection.

G. Design

Parking areas shall be arranged and marked for orderly, safe movement. No parking areas shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space.

H. Grading, Surface, Drainage

Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be surfaced with a 4” sub-base, a 2” bituminous base course and 1” bituminous wearing course (or similar durable and dustless surface), graded and drained to dispose of all surface water.

I. Nighttime Illumination

All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, designed for use by more than four (4) cars after dusk, other than those related to an individual dwelling, shall be illuminated in accordance with Section 814 of this Ordinance.

J. Separated from Street

Except where entrance and exit drives cross street lines, all parking areas for any purpose other than residential uses as defined by this Ordinance shall be physically separated from any public street by a concrete curb.

K. Perimeter Landscaping and Screening

Perimeter landscaping shall be required along any side of a parking lot of ten (10) or more spaces that abuts adjoining developed property that is not a right-of-way. A landscaping strip a minimum five feet (5’) in width shall be located between the parking area and the abutting property lines.

L. Maintenance

The owners and their agencies shall be responsible for providing, protecting, and maintaining all parking lot landscaping in healthy and growing condition, replacing it when necessary and keeping it free of refuse and debris.

1004 OFF-STREET LOADING

A. General Requirement

Every building or use that requires the receipt or distribution of material or merchandise by vehicles shall provide at least one (1) off-street loading berth and shall also provide additional berths in accordance with Schedule IV of this Ordinance.

B. Minimum Size and Location

Each off-street loading and unloading space shall be a minimum of twelve feet (12') wide by forty-five feet (45') long and fourteen feet (14') in height, and, in addition, have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.

SCHEDULE IV
OFF-STREET LOADING BERTH REQUIREMENTS
(in addition to §1004 A.)

USES	SQUARE FEET GROSS FLOOR AREA	ADDITIONAL REQUIRED LOADING BERTHS
Schools, Public or Private	15,000 or more	1
Hospitals (in addition to ambulance space)	10,000 – 30,000 For each additional 30,000 or major fraction thereof	1 1
Funeral Homes or Mortuaries	>5,000 For each additional 5,000 or major fraction thereof	1 1
Hotels/Motels & Professional Offices	>15,000	1
Commercial Uses, Wholesale, Manufacturing Uses, & Storage Facilities	15,000 – 25,000 25,000 – 40,000 40,000 – 60,000 60,000 – 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

1005 RESIDENTIAL DRIVEWAYS AND SIDEWALK OPENINGS

The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty feet (30'); the minimum width shall be twelve feet (12').

1006 COMMERCIAL VEHICLE PARKING

A. In the R-districts, off-street parking of the following commercial vehicles shall be prohibited:

1. Tractors
2. Tractor-Trailers
3. Pick-up trucks with a capacity of more than 3 tons
4. Commercial machinery & equipment
5. Buses

B. In the R- and S-zoning districts and on residential property in any zoning district, the engine of a tractor-trailer shall not be idled for more than ten (10) minutes between the hours of 10 PM and 6 AM or be repaired, except for clearly emergency repairs.

C. No trailer of a tractor-trailer shall be parked, stored, or maintained in the R-districts and on residential property in any zoning district for more than eight (8) hours in any forty-eight (48) hour period.

D. No trailer of a tractor can be parked on a public road for more than 8 hours in a 48-hour period.

E. No commercial trucks (Per Section A.) can be parked on residential streets for longer than one (1) hour per day unless that vehicle is part of a construction activity in the general vicinity or loading/unloading.

1007 RECREATIONAL VEHICLE PARKING

Recreational vehicles that have a height of eight feet (8’) or more shall not be parked or stored in the side or front yard of any property in an R-district. Such vehicles may be parked or stored in R-districts only in the rear yard of the property to which they are accessory.

ARTICLE XI

NON-CONFORMING USES, STRUCTURES, AND LOTS

1101 STATEMENT OF INTENT

A. The zoning districts established by this Ordinance are designed to guide the future use of land in the Borough by encouraging the development of desirable residential, commercial, agricultural, and manufacturing areas, with appropriate groupings of compatible and related uses, to the end of promoting and protecting the public health, safety, comfort, prosperity and other aspects of the general welfare.

To achieve this end, lawful existing uses that would be prohibited or restricted under the terms of this Ordinance, or future amendments, and that do not conform to the character and regulations of the zoning district in which they are located must be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and reestablished in more suitable locations within the Borough. Similarly, lots, buildings or other structures that do not comply with one or more of the applicable district requirements as to lot width, minimum lot area and yard spaces, building coverage or height, etc. are deemed to be nonconforming.

B. To avoid undue hardship, nonconforming uses of land, buildings, and structures shall generally be permitted to remain; the purpose of regulating non-conforming uses, which are not appropriate for their location, is to restrict further investment, when economically reasonable, in such non-conforming uses. Exceptions shall be made in those instances where extensive investment is involved to avoid any unnecessary harassment or hardship in the use of such facilities.

C. To eliminate any undue hardship, nothing in this Ordinance shall be deemed to require any change in plans, specifications, construction or intended use of any building or structure for which plans, specifications and contract negotiations, or construction has started, prior to the effective date of this Ordinance, or amendments thereof.

1102 CONTINUATION OF USE

A. A use, building or structure that shall be made nonconforming, as defined in Section 302, at the time of passage of this Ordinance, or any applicable amendment thereto, may be continued except as otherwise set forth in this Article.

B. A use, building or structure in existence at the time of passage of this Ordinance shall be considered nonconforming if the yards, area, height, coverage, dimensions, off-street parking, or other conditions do not conform with the regulations for the zoning district (as enumerated in Article VI) in which the use, building or structure is located.

1103 REGULATION OF NONCONFORMING USES

An existing nonconforming use or structure cannot be enlarged, reconstructed, substituted or structurally altered unless required to do so by law, order, or as follows:

A. Enlargement

1. Any nonconforming use or structure may be enlarged up to, but not more than twenty-five percent (25%) of its floor area and/or lot area, as it existed at the time of passage of this Ordinance. Such enlargement must conform to all other

regulations of the zoning district where it is situated. This enlargement provision may be used only once for any nonconforming use or structure.

2. If more than one (1) structure exists on a property or properties containing a nonconforming use, the twenty-five percent (25%) expansion allowed by §1103 A. 1. above shall be applied to one (1) structure only.

3. No new principal structures shall be allowed as part of an enlargement of a nonconforming use.

4. Any nonconforming use or structure shall not, however, be expanded into a more restrictive zoning district than where it is located. In terms of restrictiveness the R-1 zoning district shall be considered the most restrictive followed by the R-2, R-3, S-1, S-2, P-1, I-1, C-1, C-2, and the M-1 as the least restrictive.

5. Any nonconforming use or structure may be enlarged or expanded in accordance with §1103 A. 1. above onto a new property of record only if that property is immediately adjacent to the existing location, the properties were both under the same ownership as of the effective date of this Ordinance, and the owner has clearly exhausted all alternatives available for enlargement or expansion on the existing property.

B. Repairs and Maintenance

1. Normal maintenance repairs and incidental alteration of a building or other structure containing a non-conforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use.

2. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made that would increase the number of dwelling units or the bulk of the building.

C. Displacement and Change of Use

1. A nonconforming use may be changed into a conforming use.

2. A nonconforming use shall not be changed into a use that is permitted in a less restrictive zoning district than the zoning district where the nonconforming use is first permitted. In terms of restrictiveness the R-1 zoning district shall be considered the most restrictive followed by the R-2, R-3, S-1, S-2, P-1, I-1, C-1, C-2, and the M-1 as the least restrictive.

3. A nonconforming use may be changed into another nonconforming use only if permitted by the Zoning Hearing Board as a Special Exception and subject to the following conditions:

   a. The applicant shall show that the nonconforming use cannot reasonably be changed to a conforming use.

   b. The applicant shall show that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use, or more appropriate than the existing nonconforming use with regard to:

      1). Traffic generation and congestion.
      2). Nuisance elements as regulated under Section §809 of this Ordinance.

3). Hours and manner of operation.
4). Appearance.
5). Impact on the surrounding neighborhood or general public welfare.

4. A nonconforming use shall not be extended to displace a conforming use.

5. Buildings or structures, regardless of conformity or ownership, shall not be combined for the purpose of extending an existing nonconforming use, or for creating a different nonconforming use.

D. Restoration

When a nonconforming building is partially or totally destroyed by fire, explosion or other disaster, it may be restored to its original use provided the owner of the structure secures a zoning and building permit within six (6) months of such incident and the structure must be totally restored within one (1) year of the permit issuance, unless the owner requests an extension in writing not less than thirty (30) days prior to the end of the one-year period. Such extension shall be for a period of one (1) year, and a maximum of two (2) extensions may be requested.

Should the owner of the structure not comply with the time limits for restoring the structure, any future restoration or reconstruction of the structure and use must conform to the regulations of the zoning district, unless authorized as a special exception by the Zoning Hearing Board.

E. Termination

1. When discontinued for a period of one (1) year or more, a nonconforming use shall be terminated. If, however, in the opinion of the Zoning Hearing Board after a Special Exception hearing requested by the owner/applicant, the structure is not substandard and the design of the structure does not lend itself to conversion to a conforming use, this provision shall not apply.

2. Change to a conforming use shall be considered an abandonment of the nonconforming use, and such nonconforming use shall be terminated and cannot be reestablished.

F. Approval Granted Prior to Passage of Ordinance

A building, structure, or use that does not conform to this Ordinance, and where construction of such building, structure or use has not yet commenced but has been issued a zoning permit or that has obtained a preliminary subdivision or land development plan approval in compliance with existing laws prior to the passage of this Ordinance shall be deemed a legal nonconforming use. Should construction of such building, structure or use fail to commence prior to the expiration of the zoning permit and/or preliminary subdivision or land development plan approval period, the nonconforming use shall be considered terminated at the time of the permit or plan approval expiration. A nonconforming building, structure, or use approved prior to the passage of this ordinance as part of a final subdivision or land development plan shall be considered terminated if said final plans are not recorded in the office of the Lackawanna County Recorder of Deeds within the time period as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

1104 NONCONFORMING LOTS

A. Any principal-permitted use may be erected on any existing nonconforming vacant lot of record, provided that all district regulations regarding minimum yards, maximum lot

coverage, and maximum building height; Specific Use Development Requirements; and Supplemental Provisions are met.

B. Minimum side and rear yard requirements as provided for under §603 Schedule II may be reduced by fifty percent (50%) of the minimum requirement on any existing nonconforming vacant lot of record at the discretion of the Blakely Borough Zoning Officer.

C. Minimum side and rear yard requirements as provided for under §603 Schedule II may be reduced by fifty percent (50%) of the minimum requirement for any additions to existing structures on any existing nonconforming lot of record at the discretion of the Blakely Borough Zoning Officer.

D. Any principal-permitted use that requires larger minimum lot dimensions (Article VII) than those required by §603 Schedule II of this Ordinance shall not be permitted on nonconforming vacant lots of record.

1105 ZONING DISTRICT CHANGES

Whenever the boundaries of a zoning district are changed so as to transfer an area from one district to another district, the provisions of this Article IX shall apply to any nonconforming uses, structures, or lots existing in the district to which the area was transferred.

1106 CHANGE IN OWNERSHIP

Change in ownership of a nonconforming use, structure, or lot shall not affect its nonconformance status and shall be allowed to continue as the use, structure, or lot existed prior to the change in ownership.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

1201 GENERAL PROCEDURE

A. Sequence of Permit Steps

Under the terms of this Ordinance, all new construction, alterations or changes in type of occupancy must be made in conformance with the requirements contained in this ordinance. All persons desiring to undertake such new construction, alterations or changes shall conform to the following general procedure, as well as to all other applicable provisions of this Ordinance.

1. Application for Permit. The applicant shall apply to the Zoning Officer for a Zoning Permit and Certificate of Compliance/Occupancy by filling out the appropriate application and by submitting the required fee.

2. Issuance of Zoning Permit. If the applicant's proposed action is in compliance with the regulations contained in this Ordinance, a Zoning Permit shall be issued by the Zoning Officer either on his own authority or, in certain cases as described below, after referral to the Zoning Hearing Board, Borough Council or to the Planning Commission.

3. Action in Accordance with Zoning Permit. After receipt of the Zoning Permit and any other applicable permits, the applicant may proceed to undertake the construction, alteration or change in use permitted by the Zoning Permit.

4. Inspection by Zoning Officer. After completion of the construction, alteration or change in use, and before occupancy takes place on the premises, the Zoning Officer inspects the premises and issues a Certificate of Compliance/Occupancy if the actions are in accordance with the Zoning Permit.

5. Issuance of Certificate of Compliance/Occupancy. The receipt of the Occupancy Permit by the applicant ensures the right to continue the use as approved.

B. Zoning Permit Types

Under the terms of this Ordinance, six (6) general classes of Zoning Permits may be issued that complies with the appropriate sections of this Ordinance. Each of these classes requires a different procedural action as described below:

1. Permitted Use. An application for a "Permitted Use" Zoning Permit requires the review of the Zoning Officer, who determines whether the proposed construction, alteration or change in use is in accordance with the requirements of this Ordinance. The Zoning Officer then either issues or refuses to issue a Zoning Permit accordingly.

2. Special Exception. An application for a "Special Exception" Zoning Permit must be referred to the Zoning Hearing Board and to the Planning Commission by the Zoning Officer. The Zoning Officer is not empowered to make an independent decision on this matter, although he may submit recommendations to the Zoning Hearing Board and to the Planning Commission. The Planning Commission reviews the application and analyzes the proposed "Special Exception" to determine compliance with the provisions of this Ordinance. The Planning Commission then gives its recommendations to the Zoning Hearing Board, which shall hold a hearing pursuant to public notice and make the final decision on the "Special Exception." The Zoning

Hearing Board shall then notify the Zoning Officer to either issue or refuse a Zoning Permit accordingly.

3. Conditional Use. An application for a "Conditional Use" Zoning Permit must be referred to the Planning Commission by the Zoning Officer. The Zoning Officer is not empowered to make an independent decision on this matter, although the Zoning Officer may submit recommendations to the Planning Commission. The Planning Commission shall review the application and analyze the proposed "Conditional Use" to determine compliance with the provisions of this Ordinance. The Planning Commission shall submit its recommendations to the Borough Council, which shall hold a hearing pursuant to public notice and make the final decision and notify the Zoning Officer to either issue or refuse the Zoning Permit accordingly.

4. Zoning Permit after an Appeal. The applicant may appeal any action taken by the Zoning Officer by submitting an application for an appeal to the Zoning Officer and to the Secretary of the Zoning Hearing Board. The Zoning Hearing Board shall give public notice of the date for a hearing to review the application to determine if the Zoning Officer has acted properly. After the hearing, and after reaching its decision, the Zoning Hearing Board shall order the Zoning Officer to either issue or refuse a Permit accordingly.

5. Permit After a Variance Request. Where the applicant feels that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance the applicant may apply for a variance by submitting an application requesting such variance to the Zoning Officer and to the Secretary of the Zoning Hearing Board. The Zoning Hearing Board shall give public notice of the date for a hearing to review the application for a variance. After the hearing and after reaching its decision, the Zoning Hearing Board shall order the Zoning Officer to issue or refuse the Zoning Permit accordingly.

6. Permit After Request for Reclassification or Amendment. Where an applicant feels that the Zoning Ordinance is in need of change in any part, the applicant may petition the Borough Council to consider an amendment to the ordinance. Such a petition shall be referred to the Planning Commission and County Planning Commission for their recommendations. The Borough Council shall then, after public notice, hold a public hearing on the proposed amendment. After the hearing, the Borough Council shall make their decision on the proposed amendment. If the amendment is adopted the applicant can then proceed to apply for a Zoning Permit in the manner applicable to the type of use that the applicant wishes to propose.

1202 ZONING OFFICER

A. Appointment

The Zoning Officer shall be appointed by the Borough Council and shall not hold any elective office in the Borough. The Zoning Officer shall continue to serve the Borough until such time as the Borough Council declares otherwise. The Zoning Officer shall meet any qualifications established by the Borough Council and shall be able to demonstrate to their satisfaction a working knowledge of municipal zoning regulations.

B. Administration and Enforcement

The provisions of this Ordinance shall be administered by the Zoning Officer. The Zoning Officer shall have the following duties and powers:

1. Inform Applicants. The Zoning Officer shall provide information for prospective applicants as to the type of form to be filed, the information to be submitted, and explain the procedures for filing applications. Such information shall be offered as a public service and no charge shall be made for such service.

2. Form of Applications, Permits and Certificates. The form of all applications, permits and certificates to be used by the Zoning Officer under the terms of this Ordinance shall be prescribed by the Borough. Said applications, permits and certificates may be combined with other applications, permits and certificates required by the Uniform Construction Code.

3. Receive Applications. The Zoning Officer shall receive and examine all applications for permits and certificates required under the terms of this Ordinance.

4. Issue Permits. The Zoning Officer shall issue permits for the construction, alteration, or change of use, and certificates of compliance that are in accordance with the requirements of this Ordinance within thirty (30) days of the receipt of the applications for such permit or certificate.

5. Refuse Permits. The Zoning Officer shall refuse applications for permits or certificates that are not in accordance with the requirements of this Ordinance within thirty (30) days of the receipt of such application. Said refusal shall be in writing and shall state the reasons for such action.

6. Issue Notice of Violation. The Zoning Officer shall make a written notice of a violation and issue the same by certified mail on the person, firm or corporation violating any provisions of this Ordinance in accordance with §1209 of this Ordinance. A copy of said notice of violation shall be forwarded to the Borough Council.

7. Keep Records. The Zoning Officer shall keep records of applications, permits or certificates issued or denied, of variances granted, of inspections made, or reports rendered and of notices of violations issued.

8. Monthly Report. The Zoning Officer shall submit a monthly report to the Borough Council on the number of applications made, or permits or certificates issued or denied, of variances granted, of inspections made, of reports rendered, of notices of violations issued, and of any other information requested by the Borough Council.

9. Other Powers and Duties. The Zoning Officer shall perform all other duties as may be provided or made necessary by the terms of this Ordinance.

1203 ZONING HEARING BOARD

A. Creation of Zoning Hearing Board

The Zoning Hearing Board of the Borough of Blakely is hereby created (also referred to as the "Board") as set forth in the Pennsylvania Municipalities Planning Code, as amended.

B. Appointment and Terms of Members

The Zoning Hearing Board shall consist of five (5) voting members that are residents of the Borough appointed by resolution of the Borough Council. The terms of office of the five-member Zoning Hearing Board shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies that occur and any appointment to fill any vacancy shall be only for the unexpired portion of the term.

The Borough Council may also appoint, by resolution, up to (1) resident of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of the alternate members shall be three (3) years. An alternate member of the Zoning Hearing Board may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated unless designated by the chairman of the Zoning Hearing Board as a voting alternate member.

All members and alternate members of the Zoning Hearing Board shall hold no other elected or appointed office or position in the Borough nor shall any member or alternate member be an employee of the Borough.

C. Jurisdiction

The zoning hearing board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1(a) (2) of the Pennsylvania Municipalities Planning Code (MPC), Act 247, of 1968 as reenacted and amended.

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 thereof, 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 a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

4. Applications for variances from the terms of the zoning ordinance and flood plain management ordinance or such provisions within a land use ordinance, pursuant to §1206 hereof.

5. Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §1207 hereof.

6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

7. Appeals from the zoning officer's determination under section 916.2 of the MPC.

8. Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under the Borough's subdivision and land development ordinance.

D. Interpretation of Zoning District Boundaries

Should a dispute arise over the location of a zoning district boundary, the Zoning Hearing Board shall decide on the exact location of the boundary line, applying the rules for interpreting district boundaries as specified in §404 of this Ordinance.

E. Other Duties and Powers

The Zoning Hearing Board shall perform such other duties as may be provided or made necessary by this Ordinance including the following:

1. To authorize the Zoning Officer to issue Zoning Permits for Special Exceptions, Variances, and Certificates of Nonconformance.

2. To hold hearings in accordance with Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

3. To authorize the termination of a nonconforming use pursuant to Article XI.

4. To refer any pertinent matter to the Planning Commission for review and recommendation, and defer any decision thereon for a period of not more than thirty (30) days from the date of referral to the Planning Commission, pending a report from the Commission.

5. To maintain a record of all decisions and the findings upon which said decisions shall be based.

F. Organization

1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §1209 hereof. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Governing Body as requested by the Governing Body.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

G. Conflict of Interest

A Board member shall be disqualified from any matter before the board in which the member has:

1. A direct personal or financial interest.
2. Signed a petition relating to the matter before the board.
3. Expressed any bias, prejudice or individual opinion on the matter before the board, prior to the hearing and/or pending of a decision.

H. Referral to Planning Commission

The Zoning Hearing Board shall refer any applications or appeals that in the opinion of the Zoning Hearing Board require review by the Commission.

Upon receipt of such an application from the Zoning Hearing Board, the Planning Commission shall review the application and recommend approval, disapproval, or approval subject to conditions or modifications and shall submit a written report to the Zoning Hearing Board stating all recommended conditions and modifications and the reasons for such approval or disapproval.

I. Removal of Members

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the Zoning Hearing Board member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the Zoning Hearing Board member shall request it in writing.

1204 PERMITS AND CERTIFICATES

A. Zoning Permits

The purpose of the Zoning Permit is to determine compliance with the provision of this Ordinance, and no person shall erect, structurally alter, or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Officer.

1. Application for Permits. All applications for Zoning Permits shall be in writing and on forms furnished by the Zoning Officer and shall be accompanied by a site plan and required fee.

2. Permits to be Shown. Zoning Permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform construction work of any kind unless a Zoning Permit covering such work has been previously issued, and is being displayed as required by this Ordinance, nor shall construction work of any kind be conducted on the subject premises after notification of the revocation of said Zoning Permit.

3. Revocation of Permits. The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is false or misleading, or that work being done upon the premises differs materially from that called for in the application. In such a case, the person holding the permit shall immediately surrender it and all copies thereof to the Zoning Officer. Before issuing a new Zoning Permit, the Zoning Officer may require the applicant to file an indemnity bond in favor of the Borough with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

B. Certificate of Compliance/Occupancy

A Certificate of Compliance, issued in duplicate, certifying that the premises complies with the provisions of this Ordinance and may be used for the purposes set forth in the permit, shall be issued by the Zoning Officer after inspection and prior to the use of any building or structure, or part thereof, for which a Zoning Permit is required, or for any change of use of

any existing building or structure or part thereof, or for any change of land use. A record shall be kept of all Certificates of Compliance/Occupancy, and the original applications shall be kept on file in the office of the Zoning Officer.

1. Application for Certificate of Compliance/Occupancy. Application for a Certificate of Compliance shall be made in writing on a form furnished by the Zoning Officer setting forth such facts as the Zoning Officer may require.

2. Permit Shall Continue. Any Certificate of Compliance/Occupancy once granted shall continue in effect so long as there is no change of use, regardless of change of owners, tenants or occupants.

1205 APPEALS

A. Appeal from Decision of Zoning Officer

1. Any person, officer of the Borough, or firm or corporation that deems itself aggrieved by any order of the Zoning Officer shall have the right to file a written appeal to the Zoning Hearing Board within thirty (30) days of the issuance of said order. Such appeal shall contain the information required in §1205 D. and a duplicate copy shall be sent to the Zoning Officer. The Zoning Officer shall transmit to the Zoning Hearing Board all papers constituting the record upon which the action appealed from was taken.

2. It shall be competent for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of this action in cases where he believes substantial justice requires the same but where the Zoning Officer does not have the authority to grant the relief sought. The Zoning Hearing Board shall conduct a hearing and render a decision on the appeal pursuant to the requirements and time limits prescribed in §1209 of this Ordinance. Any party may appear in person or be represented by an agent or attorney.

B. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Zoning Permit, or comply with the conditions of said authorized permit within one (1) year from the date of authorization thereof.

C. Stay of Proceedings

Upon filing of any proceeding during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing 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 proceedings 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 Zoning Hearing Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous and is for the purpose of delay. At the hearing evidence may be presented on the merits of the case.

After consideration of all evidence presented, if the court determines that the appeal is frivolous and is for the purpose of delay it shall grant the petition. The right to petition the court to order the appellants to post bond maybe waived by the appellee but such waiver may be revoked by him if an appeal is taken from a final decision of the court. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

D. Information Required on Appeals to the Zoning Hearing Board

All appeals and applications to the Zoning Hearing Board shall be in writing on forms prescribed by the Zoning Hearing Board. Every appeal or application shall include the following:

1. The name, address, and phone number of the applicant, or appellant.

2. The name, address, and phone number of the owner of the parcel to be affected by such proposed change, or appeal.

3. Tax map number (a.k.a. Property Identification Number) of the affected parcel.

4. Names and addresses of all adjacent property owners within three hundred feet (300') of the affected parcel.

5. A brief description and location of the parcel to be affected by such proposed change, or appeal.

6. A statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof.

7. A statement of the section of this Ordinance under which the appeal is made, and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.

8. A reasonable accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements existing thereon and proposed to be erected thereof.

1206 VARIANCES

The board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

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

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

C. That such unnecessary hardship has not been created by the appellant.

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

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

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance, and to protect the public health, safety, and welfare.

Upon approval of a variance, the Board shall direct the Zoning Officer to issue a permit to the applicant, which permit shall authorize the applicant to proceed with development in accordance with the terms of the approved variance.

Variances shall be valid for a period of one (1) year from the date of approval. If the proposed development or use for which the variance was granted is not commenced within one (1) year of approval, the applicant shall submit a new application for a variance and shall require approval thereof.

1207 SPECIAL EXCEPTIONS

A. Board Action

Special Exceptions, as enumerated in §502 of this Ordinance, shall be permitted only upon authorization by the Zoning Hearing Board. The Zoning Officer shall refer such applications to the Planning Commission for their review and recommendations. The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth herein. In granting a special exception, the board may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as it may deem necessary to implement the purposes of this zoning ordinance and Act 247 as amended.

B. Review Criteria

Approval of special exceptions shall be authorized only if they are found to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

1. That the use is a permitted Special Exception in the applicable zoning district as set forth in Schedule I hereof.

2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

4. That the use shall be compatible with adjoining development and the character of the neighborhood where it is proposed to be located.

5. That adequate landscaping and screening is provided as required in §806 and §808 of this Ordinance and as otherwise provided herein.

6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

7. That the use conforms to all applicable regulations governing the use, as specified herein.

8. That such use shall not result in unsafe traffic conditions, traffic congestion or other dangerous traffic conditions.

C. Affect of Filing an Application

When an application for a special exception has been filed with the Zoning Hearing Board, and the subject matter of such application would ultimately constitute either a "land development" as defined in Section 107 or a "subdivision" as defined in Section 107 of the PA Municipalities Planning Code, Act 247, as amended, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508 (1) through (4) of the PA Municipalities Planning Code, Act 247, as amended, and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.

1208 CONDITIONAL USES BEFORE THE BOROUGH COUNCIL

A. Procedure

Conditional uses shall be allowed only upon a determination by the Borough Council that they comply with the standards and criteria set forth herein. The governing body shall hold hearings on and decide requests for conditional uses in accordance with the standards and criteria set forth herein. The hearing shall be conducted by the governing body or the governing body may appoint any member or an independent attorney as a hearing officer. The decision shall be made by the governing body. However, the applicant, in addition to the Borough, may, prior to the decision of the hearing, waive decision by the governing body and accept the decision of the hearing officer as final. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this ordinance.

B. Timing and Administrative Procedures

1. The governing body shall render a written decision on the conditional use application within 45 days after the last hearing before the governing body. 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 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.

2. Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908 (1.2) of the MPC, 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 governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision. If the governing body shall fail to provide such notice, the applicant may do so.

3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision shall be delivered to the applicant personally or mailed to him no later than the day following its date. Delivery of the decision shall be in a manner that provides the Borough Council with evidence of receipt of the decision by the applicant.

4. The Borough Council may, upon a review of the application including the environmental assessment, establish such additional requirements for the development and the operation of the conditional use as may be required to protect the public health, safety and general welfare of the community; provided, however, that such additional requirements shall not be related to off site transportation or road improvements.

5. Application for Conditional Use shall be referred to the Planning Commission for review; and, no such application shall be finally authorized until the Planning Commission has submitted its review findings, or until 30 days after referral to the Planning Commission, whichever occurs first.

6. No Conditional Use shall be authorized without a hearing thereon. Hearings shall be conducted pursuant to §1209 hereof.

C. Review Criteria

Approval of conditional uses shall be authorized only if they are found to comply with the following requirements and other applicable requirements as set forth in this Ordinance.

1. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

2. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

3. That the use shall be compatible with adjoining development.

4. That adequate landscaping and screening is provided as required in §806 and §808 and as otherwise provided herein.

5. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

6. That the use is compatible with the Borough's Comprehensive Plan.

7. An environmental assessment shall be submitted with all applications for conditional uses in accordance with §1208 D. hereof.

D. Environmental Assessment

1. All applications for a Conditional Use must be accompanied by an Environmental Assessment as specified herein; provided, however, that upon the request of the developer, components of the Environmental Assessment may be waived by the Borough Council when such components are deemed unnecessary for certain Conditional Uses.

2. The purpose of the Environmental Assessment is to provide the Borough Council with sufficient information to determine if the proposed use will be harmful or beneficial to the Borough; and to determine corrective actions if needed to mitigate potential adverse environmental impacts.

3. Due to the importance of securing professional, objective data in the Environmental Assessment, the selection of the professionals to be engaged in its preparation shall be subject to the approval of the Borough Council. The developer will further provide the Borough Council with assurances, adequate to protect the Borough from violations of non-compliance with measures required to mitigate identified adverse environmental impacts.

4. Content of the Environmental Assessment

a. Description of the Proposal

Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by the Borough.

b. Description of the Environment

Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.

c. The Environmental Impact of the Proposed Activities

Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial and detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

d. Mitigating Measures Included in the Proposed Action

Include a description of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

e. Any Adverse Effects That Cannot be Avoided Should the Proposal be Implemented

Include a discussion of the unavoidable adverse impacts described in 1208 D. 4. c. & d. above, and an analysis of whom or what will be affected and the degree of impact.

f. The Relationship between Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

Describe the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time period, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

g. Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action Should it be Implemented

Describe, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

h. Alternatives to the Proposed Action

Identify alternatives to the proposed action, and describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

5. Outline Considerations for Developing Environmental Assessment

a. Description of the Proposal

1) Who is proposing the action?

2) What is the nature of the action to be taken?

3) What is it designed to accomplish? What identified needs will be met and to what degree?

4) Where will it take place?

5) When will it take place? Indicate phasing of acquisition and development activities, if applicable, and timetables for completion.

6) How does it fit in with local Planning efforts, comprehensive plans, etc.

b. Description of the Environment

1) Present and past land uses of the site and of the surrounding area.

2) Special topographic features which may be present.

3) Describe the site's surface and subsurface geologic characteristics.

4) Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.

5) Describe the area's water resources, with specific reference to ground water, water quality, aquifers and aquifer recharge areas, and areas subject to flooding.

6) Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.

7) Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.

c. Environmental Impact of the Proposed Action

1) What will be the effect on land uses in the area?

2) Will the project affect a site listed on the National Register of Historic Places?

3) In what way will soils and topography be affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation which may create unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of view lines to landmarks, blockage of view corridors, etc.

4) Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and where it will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition, and construction wastes.

5) How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply, etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity, and seasonal flows, diversion or blockage of surface water, alterations of natural watercourses, introduction or increase of effluents or toxic, hazardous, or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on groundwater recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

6) How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread to adjacent lands, introduction of exotic

vegetation, creation of areas of highly visible, drying, or decaying vegetation.

7) How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.

8) How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections and traffic to be generated, generation of truck traffic.

9) Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates, and smoke; noise and vibration levels at property lines and the level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals, or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota, and possible concentrations through food chains.

10) Describe management practices proposed for the area.

d. Mitigating Measures Included in the Proposed Action

Describe actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.

e. Unavoidable Adverse Effects

If adverse effects have been identified under other sections of the Environmental Impact Study and cannot be mitigated, they should be again identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.

f. Relationship between the Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

What are the impacts of the proposal in the context of other similar projects? In what way will future generations be affected by the currently proposed actions?

How do the immediate and long-range impacts on the area with the project compare with the immediate and long-range impacts without the project?

g. Any Irreversible and Irretrievable Commitments of Resources

Describe any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archaeological, geological or historic features, destruction of fragile habitat or endangered species habitat, unalterable changes in land use, and resources used in project development.

h. Alternatives to the Proposed Action

Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result.

The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. Where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation.

1209 HEARINGS

The Zoning Hearing Board, or Borough Council if applicable, shall conduct hearings and make decisions in accordance with the following requirements:

A. Public notice shall be given, and written notice shall be given to the applicant, the zoning officer, adjacent property owners within 300 feet of the property in question, and to any person who has made timely request for the same. Written notice shall be given to the applicant by certified mail. All others shall be given written notice in a manner prescribed by the governing body. 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 one week prior to the hearing.

B. The governing body may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing before the board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board 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 board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and 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.

D. The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.

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

F. The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. 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.

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

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

J. The board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of 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 board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the board prior to final decision or entry of findings, and the board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under section 916.1 of the Pennsylvania Municipalities Planning Code where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection C. of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection A. of this section. If the board 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.

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

M. The fee for the any of the above hearings shall be a minimum of Seven hundred Fifty dollars ($750.00), should the costs rise above the seven hundred fifty-dollar ($750.00) threshold the applicant will be responsible for the additional costs. The borough will be responsible for supplying a breakdown of the costs for the applicant.

1210 AMENDMENTS

The Borough Council may, on its own motion or by petition, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceedings in accordance with Section 609 of the Pennsylvania Municipalities Code, as amended.

1211 LANDOWNER CURATIVE AMENDMENTS

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or Zoning Map, or any provision thereof, that prohibits or restricts the use or development of land in which he has an interest may do in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended (MPC).

1212 MUNICIPAL CURATIVE AMENDMENTS

If the Borough determines that this Zoning Ordinance or any portion thereof is substantially invalid, it shall take action as prescribed in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended (MPC).

1213 ENFORCEMENT AND VIOLATIONS

A. Complaints of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and report thereon.

B. Enforcement Procedures

1. Enforcement Notice

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

b. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

c. An enforcement notice shall be mailed to the alleged violator by certified mail and shall state at least the following:

1) The name of the owner of record and any other person against whom the Borough intends to take action.

2) The location and tax map number (a.k.a. Property Identification Number) of the property in violation.

3) The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of the Ordinance.

4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5) That the recipient of the notice has the right to appeal to the zoning hearing board within the prescribed period of time and in accordance with procedures set forth in §1205 hereof.

6) That failure to comply with the notice within thirty (30) days of the date of said notice, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.

2. Causes of Action

In case any building, structure, landscaping, or land is or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this ordinance, the governing body, or with the approval of the governing body 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 or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the governing body of the Borough. No such action may be maintained until such notice has been given.

3. Appeals

Any recipient of a notice of enforcement shall have the right to appeal to the zoning hearing board to remove such notice. Such appeals, however, must be filed with the zoning hearing board not more than ten (10) business days following the receipt of such an enforcement notice.

C. Enforcement Remedies

1. Magisterial district judges shall have initial jurisdiction over proceedings brought under this subsection C.

2. Any person, firm or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500.00 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 be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge 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 until the fifth day following the date of the determination of a 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 by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.

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

4. 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.

D. Actions Initiated Prior to Passage of Ordinance

The passage of this Ordinance shall not automatically suspend any pending actions instituted one (1) year or less prior to said passage against any person, firm, or corporation accused to be in violation of Borough zoning laws existing prior to said passage. Before any proceedings may be suspended, an appropriate legal determination must be made as to whether or not the person, firm or corporation is also in violation of this Ordinance. If it is ruled that the person, firm, or corporation is not in violation of this Ordinance then the action may be suspended; if the ruling is otherwise, then the proceedings shall continue as instituted.

E. Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code (MPC), the Borough Council shall establish by resolution a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, zoning hearing board and Borough Council proceedings, and other matters pertaining to this Ordinance.

Permits shall be issued only after fees have been paid in full, and the Zoning Hearing Board or Borough Council shall take no action on appeals, variances, special exceptions, and/or conditional uses until all fees have been paid in full.

The appearance fee for a stenographer at hearing proceedings shall be shared equally by the applicant and the Borough. The cost of the original transcript shall be paid by the Borough, or shall be paid by the Borough if the transcript is ordered by the Zoning Hearing Board, or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting the copy or copies. In other cases, the party requesting the original transcript shall bear the cost.

1214 APPEALS TO COURTS

The procedure set forth in Article X-A of the Pennsylvania Municipalities Planning Code as amended (MPC) shall constitute the exclusive mode for securing review of any decision rendered pursuant to Article XII of this Ordinance or deemed to have been made under the jurisdiction of the Pennsylvania Municipalities Planning Code as amended (MPC).