Dalton Borough

Zoning Ordinance

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Effective Date December 20, 2023

A Member of the
Scranton-Abingtons Planning Association

Prepared by: Environmental Planning & Design, LLC

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ARTICLE 1
General Provisions

Section 1.1 – Title and Short Title

A. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Dalton Borough, Lackawanna County, Pennsylvania, and for said purposes dividing Dalton Borough into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

B. Short Title.

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

Section 1.2 – Purpose

This Ordinance is enacted for the following purposes:

A. To promote, protect, and facilitate the following: the public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; travel and transportation facilities, civil defense, and disaster evacuation; and the provision of adequate light and air, vehicle parking and loading space, water and sewage, schools, public grounds and other public requirements, and fire and police protection;

B. To prevent occurrence of the following: overcrowding; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and

C. To serve as a part of the overall plan for the orderly growth and development of Dalton Borough, and as such, supplement the Scranton-Abingtons Planning Association Comprehensive Plan.

Section 1.3 – Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Dalton Borough. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Scranton-Abingtons Planning Association Comprehensive Plan.

Section 1.4 – Interpretation

A. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of Dalton Borough. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.

B. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

Section 1.5 – Applicability, Severability, and Scope

A. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the Dalton Borough Zoning Hearing Board through a special exception or variance.

B. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Dalton Borough Council that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.

C. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Dalton Borough 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.

Section 1.6 – Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Dalton Borough Council hereby enacts and ordains into an ordinance this document on the date of April 8, 2021. All zoning ordinances of Dalton Borough previously in adoption are hereby repealed.

ARTICLE 2
Definitions

Section 2.1 – Interpretations

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense.

B. The singular number includes the plural, and the plural number includes the singular.

C. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.

D. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

E. If a word is not defined in this Ordinance but is defined in other ordinances of the Dalton Borough Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Borough ordinance, each definition shall apply to the provision of each applicable ordinance.

F. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

G. The words “shall” or “must” are mandatory.

H. The words “may” or “should” are permissive.

I. The word “lot” includes the words “plot,” “parcel,” and “property.”

J. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.

K. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”

L. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

Section 2.2 – Definitions

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

ABUSED PERSON SHELTER – A residential shelter use in which rooms are provided to serve as a temporary safe and supportive 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.

ACCESS DRIVE – A vehicular throughway serving a non-residential use or *multi-family* use located within a *parking lot* which directly adjoins *parking spaces*. An *access drive* provides the vehicular connection between *parking space* area and the *driveway* which directly connects to the *public right-of-way*. The *access drive* does not include the vehicular path that connects the parking area to the *public* way.

ADDITION – See "extension."

AGRICULTURAL PROCESSING ARTISAN – Limited scale transformation of raw materials or food.

AGRICULTURAL PRODUCTS PROCESSING – Activity that focuses on delivering information and experiences to patrons interested in processes of the natural world.

AIRBNB – The act of offering temporary living quarters within a dwelling unit occupied by the owner or lessee for a negotiated price to a house guest with or without the mediating use of a rental housing exchange agency.

ALLEY – A street, usually located to the rear or side of properties otherwise abutting a street, used primarily for vehicular service access and which does not typically provide primary frontage for a building.

ALTERATION – As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another, also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance. This term shall not apply to agricultural plowing and tilling activity.

AMENDMENT – Any change or revision of the text of this chapter or the Zoning Map

ANIMAL HOSPITAL OR VETERINARY CLINIC – A building used for the treatment, housing, or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

APPLICANT – A subdivider, landowner or developer who has filed an application for development, including the landowner's or developer's heirs, successors and assigns.

BAKERY – An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on of offsite. Such use may include incidental food service. A bakery shall be considered a general retail use.

BANK OR FINANCIAL INSTITUTION – An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. (See "service establishment."

BAR OR TAVERN – A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may occur.

BED-AND-BREAKFAST – Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.

BEST MANAGEMENT PRACTICES (BMPs) – Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Chapter.

BOARDING OR LODGING HOUSE – A residential use in which any or all of the following applies:

1. Individual room(s) that do· not meet the definition of a lawful dwelling unit are rented for habitation by a total of 2 or more persons who are not "related" to the owner of record of the property, or

2. A dwelling unit that includes a greater than the permitted maximum number of unrelated persons (see the definition of "family"), or

3. If individual units of living space not meeting the definition of a lawful dwelling unit are sedately rented to person(s) who are not "related" to the owner of the record of the property.

4. A boarding house shall not include a use that meets the definition of the following uses: treatment center, abused person shelter, hotel, dormitory, motel, life care center, personal care center, bed and breakfast use, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents.

5. This use shall only involve renting living accommodations for minimum periods of 5 consecutive days. See "hotel or motel."

BOUNDARY – A line marking the limit, or border, of a lot or district.

BREW PUB – A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either.

BUILDING – A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

BUILDING, CONTRACTING, OR RELATED BUSINESS – the operations office related to an entity engaged in construction and/or development.

BUILDING-INTEGRATED SYSTEM – A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING SETBACK LINE – The line within a lot defining the required minimum setback distance between any structure and the adjacent street line as well as side and rear lot lines.

BUSINESS SERVICE ESTABLISHMENT – An establishment engaged in rendering services to business establishments on a fee or contract basis or to the general public on a less frequent or personal basis than provided by personal services establishments. Such enterprises may include: the service and repair of office equipment, machines, electronics, furniture, medical supplies, or commercial appliances; the printing, copy, and production of documents, signs, or banners; retail shipping and mailing services; food catering; locksmithing; carpentry; painting; remodeling; interior decorating or upholstering; roofing and insulation; carpet installation; heating and cooling; plumbing; taxidermy; and other similar business activities.

BYOB CLUB – (Otherwise known as Bring Your Own Bottle Clubs) means any business facility such as a dance hall, club, association or entity not licensed by the Pennsylvania Liquor Control Board, wherein patrons twenty-one (21) years of age and older may, after payment of a fee, cover charge or membership fee, consume alcoholic beverages which said patrons have carried onto the premises. This definition does not include a facility which is rented for a limited period of time, not to exceed twelve (12) hours, by an individual or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises.

CALIPER – As defined by the American Standards of Nursery Stock. Typically, the diameter of a tree at the height of 6 inches from the top of the root ball. In the case of a multi-stem tree, the caliper is determined by the average of the stems.

CAMP OR RETREAT – Combination of indoor and outdoor spaces, with limited seasonal use.

CAR OR TRUCK WASH – Any building or premises or portions thereof used for washing automobiles for commercial purposes.

CARPORT, GARAGE, OR SHED, PRIVATE – A roofed structure not more than 75 percent enclosed by walls and attached or detached to the main building for the purpose of providing shelter for one or more motor vehicles.

CARTWAY – The portion of a street right-of-way designed or intended for vehicular use.

CEMETERY – An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.

CENTER LINE – A line running parallel to and equidistant from both sides of a street.

CERTIFICATE OF USE AND OCCUPANCY – The certificate issued by the Centre Region Code Office, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the land and structure in its several parts, together with any special stipulations or conditions of the building permit.

CIVIC – The term defining not-for-profit organizations dedicated to the arts, culture, education, recreation, and/or government.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

CLUSTER RESIDENTIAL DEVELOPMENT – A residential cluster shall include an area to be 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 operation and maintenance through the creation of a homeowners' association, or the developer's binding agreements as may be required to achieve such assurances.

COMMERCIAL RECREATION FACILITY, INDOOR – An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of primarily indoor recreational, amusement, and leisure activities, such as, but not limited to: fitness training, athletic courts, ice rinks, roller skating rinks, indoor playing fields, indoor swimming pools, bowling alleys, arcade games, indoor mazes, indoor play structures and ball pits, escape rooms, indoor riflery or archery, indoor batting cages, and indoor golf.

COMMUNITY CENTER OR LIBRARY – A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups. The use also may include the noncommercial preparation and/or provision of meals to low-Income elderly persons. This shall not include residential uses or a "treatment center."

COMMUNITY GARDEN – An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

CONSERVATION – Development pattern that focuses on limited disturbances on the overall landscape.

CONSERVATION RESIDENTIAL – Development pattern that focuses on limited disturbances on the overall landscape.

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

CONVENIENCE STORE – A one-story retail store 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 “food market”). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

CRAFTSMAN-ARTISAN MANUFACTURING – a use conducted for the generation of revenue entirely within a dwelling, or in an accessory structure located on the same lot as dwelling. The use must be clearly incidental and accessory to the lot’s residential use. The use must be limited to low intensity uses that produce, repair and/or sell a product, but can be operated in such a way that they do not adversely affect adjacent properties. Said use shall employ no less than two (2) and no more than ten (10) employees.

CRAFTSMAN-ARTISAN WORKSHOP – An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

CREMATORIUM – A facility accessory to a funeral home containing properly installed, certified equipment intended for reducing deceased humans or animals to ashes by burning (cremation).

CROP FARMING – The cultivating, raising, and harvesting of products of the soil and the storage of these products produced on the premises. The definition of “crop farming” shall include orchards and tree farms but shall not include “raising of livestock,” “forestry,” “commercial stables or riding academies,” or “kennels.” An “agricultural marketing enterprise,” as defined herein, is an accessory use to crop farming where permitted. If a crop farming lot includes more than fifteen (15) acres, it may also include the keeping of up to ten (10) additional animals as an accessory use in addition to what is permitted by the definition for “keeping of pets.”

CROP STORAGE, AS AN ACCESSORY USE TO FARMING – As an accessory use to farming-the temporary or seasonal storage of harvested materials.

CULTURAL CENTER OR MUSEUM – A building and/or land open to the public which primarily contains exhibits of clearly artistic or cultural interest, such as a museum, art gallery or indoor nature study area. This shall not include uses that are primarily commercial in nature.

DAY CARE CENTER, ADULT – A use providing supervised care and assistance to persons who are not in good physical health or suffering from Alzheimer disease 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 60 hours per week per person.

DAY CARE CENTER, CHILD – A use Involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also Include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, In addition to children who are relatives of the care giver. See also the definition of "adult day care center."

1. **(Child) Day Care, as an Accessory Use** – A type of "day care" use that provides care for 6 or fewer children at one time who are not relatives of the care giver.
2. **(Child) Day Care Center, as a Principal Use** – A type of "day care" use that provides care for 7 or more children at any one time who are not relatives of the primary operator.

DAY CARE HOME, FAMILY – A premise in which child day care is provided at any one time to between four (4) to six (6) children or more who are not relatives of the provider of the child day care, where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.

DAY CARE HOME, GROUP – A State licensed facility in which care is provided for more than 6 but less than 12 children, at any one time, if care is provided in a facility where the child care areas are being used as a family residence.

DECK – A structure which may or may not be enclosed and which projects out from the main wall of a building or structure and does not have a roof.

DENSITY – The computation of overall residential dwelling units per acre of land. This figure shall be rounded to the nearest tenth and shall not include the area of lands intended for non-residential purposes, including churches or other civic/public uses within the development, nor shall it include dwelling units accessory to residential or non-residential uses. Open space shall however, be included in the computation.

DEP – The Pennsylvania Department of Environmental Protection ("DEP"), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

DEVELOPMENT – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations. The definition of development shall also include the storage of equipment or materials.

DISTRICT – All land and watercourses located within designated boundaries on the Official Zoning Map; a zoning district.

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 approved "Care and Treatment Center for Children" (as an accessory use to such use) or to an accredited public or private primary or secondary school, and which are owned and operated by such principal use to which the dormitory serves. Dwelling units shall not be regulated as "dormitories."

DRIVE-THRU FACILITY – Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.

DRIVEWAY – A vehicular connection from a *lot* to the *public right-of-way*. A *driveway* terminates at the *right-of-way* line and/or the *access drive*.

DRUG STORE/PHARMACY – An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.

DWELLING:

DWELLING: ACCESSORY (GRANNY FLAT/GARAGE APARTMENT) – A residential dwelling unit, but not a mobile home, located on the same lot as a single family dwelling unit, either within the same building as the single family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in local code and only in those zoning districts where the use is listed as a special review.

DWELLING: APARTMENT BUILDING – Family- a building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units. The terms "multi-family dwelling" shall include condominiums as well as non-condominium housing units, including construction types.

DWELLING: CONVERSION APARTMENT – To be considered a conversion, any proposed alteration must be confined to the interior of an already existing structural shell. Any proposal to extend the sides or increase the height of an existing structure shall not be considered a

conversion and shall be required to meet the appropriate provisions established in that District for that particular use.

DWELLING: SEASONAL FARM/AGRICULTURAL WORKER – Dwelling units, including mobile homes, for full-time, temporary, or permanent employees engaged in agricultural pursuits.

DWELLING: SINGLE-FAMILY DETACHED – A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

DWELLING: TOWNHOUSE – A town house shall include a group of not more than eight (8) single-family attached dwellings separated from each other by common walls, where each unit contains a separate and private entrance to the outside.

DWELLING: TWO-FAMILY – A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.

EMERGENCY SERVICES – A building for the housing of fire, emergency medical or police equipment and for related activities. This may include housing for emergency personnel while on-call.

EQUESTRIAN FARM – A building or structure and/or land whose operator keeps equines primarily for breeding and boarding and which operation may or may not be incidental to the owners primary occupation.

ERECTION – Construction or assembly.

EROSION AND SEDIMENTATION – Erosion, the process by which the land surface and/or subsurface is worn away by the action of natural elements; sedimentation, the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

EROSION AND SEDIMENTATION – Erosion, the process by which the land surface and/or subsurface is worn away by the action of natural elements; sedimentation, the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity.

ESSENTIAL SERVICES – Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial commutations devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building.

EVENT BARN/FACILITY – An establishment which is rented by individuals or groups to accommodate private functions that are not repeated on a weekly basis including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.

EVERGREEN TREE – A tree, either single-stemmed or multi-stemmed (clump form), which is a minimum of six (6) feet tall at planting and is a species which at maturity can be expected to reach a height of at least 20 feet. See the Borough' official plant list for a listing of permitted evergreen trees.

EXPANSION – An increase in the size of an existing structure or use, including the physical size of a property, building, parking lot, and other improvements.

EXTENSION – An addition to the floor area of an existing structure, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use; an enlargement.

FAA – Federal Aviation Administration of the United States Department of Transportation.

FAIRGROUNDS/CARNIVAL GROUNDS/EVENT GROUNDS – An area wherein buildings, structures, and lands are used for the exhibition of livestock, farm products, etc., and/or for carnival-life entertainment.

FAMILY – (1) A person; (2) two or more persons, all of whom are related by blood, marriage, parentage or adoption (including foster children), living together as a single housekeeping unit. In addition to the family, two or fewer unrelated persons may reside with the housekeeping unit in the dwelling unit. For dwelling units in multifamily buildings containing three or more dwelling units (other than those in vertical mixed use buildings in the Terraced Streetscape zone) the number of persons permitted to occupy a unit shall be determined by the Borough Code Office in accordance with the provisions of the Dalton Borough's Housing Code.

FARM CAFÉ – An eating establishment that prepares and serves food grown on-site and within Region 5 as defined by the Pennsylvania Department of Agriculture to the greatest extent possible. The principal objective of a farm cafe is to support local agriculture and provide alternatives to the conversion of farmland through sustainable rural economic development and empowering far.

FARM STANDS – A stand that sells fresh agricultural produce.

FARMERS MARKET – The offering for sale of fresh and packaged agricultural products directly to the consumer at an open-air market and/or combination of enclosed and open-air facility.

FENCE – A fabricated barrier used to enclose an area of land.

FLICKER – A repeating cycle of changing light intensity.

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

FOOD TRUCK – A licensed, self-contained, motorized vehicle or mobile food unit (unit that does not travel under its own power) which is temporarily permitted to park in a designated area of an established use in permitted zoning district within Dalton Borough in a location approved by the property owner. Ice cream trucks are exempted from this chapter.

FORESTRY – Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

FOWL – a domestic bird of any kind, not including chickens.

FUNERAL HOME – A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

GALLERIES – The principal or accessory use of a premises for the sale, display, and exhibition of fine visual art and craft products and which may include ancillary production or instruction in the production of arts and crafts.

GAME LAND OR PRESERVE – Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

GASOLINE SERVICE STATION – A structure, building, or area of land or any portion thereof that's used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance. Which may or may not include facilities for lubricating, washing, and sale of accessories, but not including the painting and/or body work thereof and other vehicle and equipment repair operations as defined by this chapter. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

GENTLEMAN'S FARM – Small scale agrarian operation managed for pleasure as part of a family estate and which is not used to generate profit.

GOLF COURSE OR COUNTRY CLUB – A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, include clubhouses and shag ranges, but does not include miniature golf course or golf driving ranges. Courses shall be considered "recreational facilities, private" for the purpose of this chapter.

GOLF DRIVING RANGE – A limited area on which golf players drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

GOLF, MINIATURE – A novelty version of golf played with a putter and golf ball on a miniature course typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. "Golf course, miniature" shall be considered "recreational facility, private" for this purpose of this chapter.

GRADING – The act of excavating and/or filling land for the purpose of changing natural slope.

GREENHOUSE/LANDSCAPE NURSERY, WHOLESALER – Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

GREENHOUSE/NURSERY – An accessory structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.

GROUP CARE FACILITY – A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing

agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME – The use of any lawful dwelling unit which meets all of the following criteria:

1. Involves the care of the maximum number of persons permitted by the "group home" standards and meets all other standards of such section.
2. Involves persons functioning as a common household.
3. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other "handicap"* as defined by applicable Federal law.
4. Does not meet the definition of a "treatment center."
5. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 1992, the Federal Fair Housing Act defined "Handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such· term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21."

*NOTE: A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered an "Institutional Group Home," which is a distinct use.

HARDWARE STORE – Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

HEIGHT – The maximum height of a building and/or structure measured from the average finished grade at the perimeter of the base of the building and/or structure to the highest point of such building and/or structure. For the purpose of determining the height limits in all zones set forth and shown on the official supplementary Airport Overlay Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HOME BASED BUSINESS, NO IMPACT – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, where as there shall be a maximum of two said accessory uses within any one dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal function to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business activity may not involve any illegal activity.

HOME BASED BUSINESS, OTHER – An activity, intended to be financially gainful, conducted within a dwelling unit, the conduct of which is clearly incidental and secondary to the use of the dwelling unit, and, whereas, there shall be a maximum of two said accessory uses within any one dwelling unit. Unlike a No-Impact Home Based Business, Home Occupations provide opportunity for on-site customers and therefore, also permit restricted signage opportunity.

HONEYBEE – Honey bees are limited to European races of apis mellifera.

HOUSE GUEST – A temporary occupant of a short-term rental living quarter within a dwelling unit.

HOUSEHOLD PET – Domesticated species of dog, cat, or other non-exotic animal generally weighing less than 150 pounds that resides within a dwelling unit and is not raised for production of products for sale.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

KENNEL – Any accessory building or building or land designed or arranged for care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

LAND DEVELOPMENT –

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

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. 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.

B. A subdivision of land.

C. Development in accordance with § 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Borough Subdivision and Land Development Code.

LANDSCAPE BUFFER – A use of new or existing plants, earthen mounds, fences and/or walls located between two uses, or between one use and a public right-of-way, that is intended to lessen negative impacts, such as undesirable views, noise or light.

LANDSCAPE/NURSERY, RETAIL – The retail handling of any article, substance, or commodity related to the planning, maintenance, or harvesting of garden plants, shrubs, chemicals, or other nursery goods and related products in small quantities to the consumer.

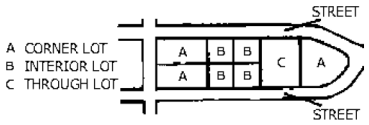
LAUNDROMAT/DRY CLEANERS – A self-service facility containing clothes washing machines and dryers which are usually coin-operated and are open for use to the general public.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

CORNER LOT – A lot at the junction of and abutting on two or more intersecting streets or at the point of abrupt change of a single street were the interior angle is less than 135° and the radius of the street is less than 100 feet.

INTERIOR LOT – A lot with only one frontage on a street.

THROUGH LOT – A lot with front and rear street frontage.



LOT COVERAGE – The portion of the lot that may be impervious. This includes, but may not be limited to, both building footprint and parking area.

LOT LINE – A line generally established by metes and bounds, which, when combined with other lot lines, delineates a lot.

FRONT LOT LINE – The line separating the lot from the street right-of-way.

SIDE LOT LINE – Any lines which are not front or rear lot lines.

REAR LOT LINE – The line parallel to or within 45° of being parallel to a street line which defines the rear of the lot.

LOT SIZE – The area contained within the boundary lines of a lot.

LOT WIDTH – The horizontal distance between side lot lines:

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

MANUFACTURING, LIGHT – Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

MAUSOLEUM – An external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

MEMBERSHIP CLUB, FRATERNITY, OR SORORITY – 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.

MINERAL EXTRACTION AND QUARRYING – 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, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.

MIXED USE STRUCTURE (RETAIL AND APARTMENTS) – A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.

MOBILE STORAGE UNITS – An area used for the storage, distribution, and sale of PODS.

MPC – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as reenacted and amended.

MUNICIPAL/GOVERNMENT FACILITY OR USE – Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

NATURE PRESERVE – A noncommercial preservation of land for providing wildlife habitats, forests or scenic natural features that involves no buildings other than a nature education and/or study center and customary maintenance buildings.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after March 15, 1982, including any subsequent improvements thereto.

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

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such 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 structure, which does not comply with the applicable use provisions in this zoning ordinance or any amendment heretofore of hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY – Any nonconforming lot, structure, or use of land or structures.

NURSING HOME – A facility licensed by the State for the housing and Intermediate or fully-skilled nursing care of 3 or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a "Treatment Center."

OBSTRUCTION – Any dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, floodplain or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE, BUSINESS OR PROFESSIONAL – A use that Involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

OFFICE, MEDICAL OR DENTAL – A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing practices for the examination and treatment of persons solely on an outpatient basis. Medical and dental offices do not include veterinary services or animal hospitals.

OFF-PREMISE SIGN – A board, panel or tablet limited in size, used for the display of posters, printed or painted advertising matter, either illuminated or non illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

OFF-STREET PARKING/LOADING ACCESSORY NON-RESIDENTIAL USES – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

OFF-STREET PARKING/LOADING ACCESSORY TO RESIDENTIAL USES – An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for residents.

OIL AND GAS EXTRACTION – The removal of oil and gas resources from the ground by means of drilling, as defined herein, in accordance with a valid permit issued by the Pennsylvania Department of Environmental Protection (PA DEP) under the provisions of the PA Oil and Gas Act (58 P.S. §601.101-§602.605), as now or hereafter amended.

OPEN SPACE – a parcel or parcels of land incorporated within a subdivision that is used for passive and unorganized play areas. This land may include floodplain, wetlands, steep slopes, stormwater basins and drainage areas. The land set aside as open space may not be used towards calculating the parkland requirements of the development.

OUTDOOR STORAGE OF GOODS – An area or facility storing or offering for sale building supplies, metal supplies, lumber, stone, coal, heavy equipment, feed and grain, sand and gravel, and similar goods. This term shall not include the wrecking, salvaging, dismantling, scrapping, or storage of junk vehicles.

PARK, PRIVATE – A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

PARK, PUBLIC – A natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of the people.

PENNDOT – The Pennsylvania Department of Transportation (“PennDOT”), the Commonwealth agency responsible for overseeing and administering transportation laws and regulations within Pennsylvania.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE – Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. § 10101 et seq.

PERSONAL CARE HOME – A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center."

PERSONAL SERVICE ESTABLISHMENT – An establishment that provides a service oriented to personal needs of the general public and which does not Involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, State-licensed massage therapists, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses."

PLACE OR WORSHIP/ASSEMBLY – Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two 12) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

PLANNING COMMISSION – The Dalton Borough Planning Commission, Borough of Dalton, Pennsylvania.

PORCH – A covered entrance to a building or structure which may or may not be enclosed and which projects out from the main wall of such building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRIVATE – Not publicly owned, operated or controlled.

PUBLIC – Intended for the general population to partake or participate.

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

PUBLIC PARKING – An open space, other than a street or way, used for the parking of only automobiles.

QUALIFIED PROFESSIONAL – A person, who by education, experience, certification or licensure, has demonstrated expertise in a particular field. For the purpose of this ordinance, fields may include professional engineering, geology, hydrogeology and soil sciences.

RAISING OF LIVESTOCK, LARGE-SCALE/INTENSIVE – The raising or keeping of livestock for home use or any commercial purpose.

RAISING OF LIVESTOCK, SMALL-SCALE – The raising or keeping of livestock at a limited scale for home use or any commercial purpose.

RECREATION FACILITY, PRIVATE – A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities. Classified as a Recreational Facility, Private.

RECREATION FACILITY, PUBLIC – Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Borough, County, school district, State, or Federal government.

RECREATIONAL VEHICLE – A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for permitted recreational, camping, travel or seasonal use.

RELEASE – The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more Regulated Substances upon or into any land or water within the Source Water Protection Overlay District. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, swale, drainage way.

REPAIR – To restore by replacing parts or putting together what is torn or broken. Repair can be defined as an accessory or principal use.

RESEARCH AND DEVELOPMENT FACILITY – An animal feeding operation with more than 1000 animal units confined on site for more than 45 days during the year.

RESTAURANT – An establishment where food and drink is prepared, served and consumed primarily within the principal building.

RESTAURANT, CAFÉ – An establishment where limited options of food and drink are prepared, served and consumed

RESTAURANT, CARRYOUT – An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a “standard restaurant.”

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

RIDING ACADEMY AND STABLES – An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

RIGHT-OF-WAY – A corridor of land set aside for use, in whole or in part, by a street or other public purpose.

SATELLITE DISH/ANTENNA – A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure. A satellite antenna shall be considered an accessory structure for the purposes of this Ordinance.

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.

SCHOOL, COMMERCIAL – A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen 16). This shall include a dancing school, martial arts school or ceramics school.

SCHOOL, PRIVATE – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

SEASONAL DWELLING – Dwelling units, including mobile homes, for full-time, temporary, or permanent employees engaged in agricultural pursuits

SEDIMENT – Soil materials transported by wind or water as a result of erosion.

SELF-STORAGE FACILITY – A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

SHADOW FLICKER – The on and off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

SHOOTING/ARCHERY RANGE, INDOOR – Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance.

SHOOTING/ARCHERY RANGE, OUTDOOR – A specialized facility designed for firearms qualifications, training or practice.

SHOPPING CENTER OR MALL – A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SHORT-TERM RENTAL – The use of a Dwelling in which the owner rents any area of the Dwelling to one, or more, individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than seven (7) consecutive days. This definition applies to all types of residential dwellings including, but not limited to, One-Family, Two-Family and Multiple-Family Dwellings.

SHRUB – An ornamental plant with woody stems that is at least 2 gallons in depth at planting. See the Borough's official plant list for a listing of permitted shrubs.

SMALL SCALE GROCERY – A grocery store with a total floor area of 12,000 square feet or less.

SMALL SCALE RETAIL – A retail establishment with a total floor area of 5,000 square feet or less.

SOLAR ENERGY – Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY DEVICE – A system, structure, or device accessory to a principal use which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water. Small solar energy systems may include, but are not limited to, solar collectors, solar reflectors, heat storage tanks, south facing double glazed window walls, attached south facing greenhouses utilizing double glazing, and architectural overhangs for blocking sunlight on south facing windows.

SOLAR ENERGY FARM – An area of land on which the principal use is the capture of solar energy and its conversion to electrical energy or thermal power for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground- or roof-mounted solar modules or other solar related equipment and may include accessory structures and buildings including light reflectors, concentrators and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant.

SPA – A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

SQUARE – A spatially defined element of usable open space designed such that it directly abuts streets on two or more sides. Squares may be located throughout the required open space of a community in a manner which enhances the form, appearance and function of this element of the community. Landscaping and lighting must be provided to augment the function of this feature within the open space network.

STABLES – An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, ranch, or similar establishment.

STORAGE – A space or place for storing materials and supplies for use by the principal use located on the same site. Includes the storage of goods which were produced on site. Storage is accessory to the principal use on the site.

STORMWATER MANAGEMENT STRUCTURE (facilities) – A designed device, constructed or manufactured, used in a soil or water conservation or management system to retain, regulate or control the flow of water.

STREAM – A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Centre County" mapping or as watercourses shown on a U.S.G.S., 75 minute quadrangle map as solid blue lines or as state open waters identified in a letter of interpretation issued by the Pennsylvania DEP. Streams are also shown as blue lines on the most recent Streams Within the Centre Region, U.S.G.S. National Hydrologic Dataset (NHD) mapping as noted in attached Appendix E.

STREET – Includes a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified according to the functions they perform.

STRUCTURE – An object, including a mobile object, includes without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmissions lines.

STUDIO OR SCHOOL FOR SPECIAL TRAINING – An establishment where arts such as dance, martial arts, music and visual arts are taught, studied or produced, or where movies, radio, television or music recording is produced.

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

SUBSTANTIAL CHANGE – (1) Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet for structures located outside of the rights-of-way, or 10 feet for structures located within the rights-of-way, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

TASTING ROOMS – A room or rooms open to the general public, primarily used for the retail marketing of beverage-related products controlled by the PA Liquor Control Board. Merchandise offered for sale within the tasting room may also include souvenirs and clothing bearing the logo of the business, as well as related items and other products that reflect or enhance the character or theme of the product(s). Rooms where wine tasting occurs, where beverage tasting is part of the normal business practice in the wholesale marketing of beverage products and that are not open to the public are not considered tasting rooms.

TATTOO PARLOR – Any establishment, place of business, or location wherein the procedure of inserting permanent markings or coloration upon or under human skin is practiced through including artistic tattoo parlors and any establishment conducting cosmetic tattooing where tattooing is engaged in or where the business of tattooing is conducted or any part thereof.

TEMPORARY USE – A use lasting for a limited time of seven days or less, unless specified as longer under a particular use. Does not include the construction or alteration of any structure.

TOWER HEIGHT – The height above grade of the fixed portion of a wind generator tower, excluding the wind turbine and blades.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT – A district that encourages mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services.

TRAILS – A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

TREATMENT CENTER – A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than 1 year and who need such facilities because of:

1. Criminal rehabilitation, such as a criminal half-way house/criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol,
2. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
3. A type of mental illness or other behavior that could cause a person to be a threat, the physical safety of others.

UNDERSTORY TREE – a tree, either single-stemmed or multi-stemmed (clump form), which has a caliper of at least 1½ inches at planting and is of a species which, at maturity, can be expected to reach a height of at least 10 feet. See the Borough's official plant list for a listing of permitted understory trees.

URBAN AGRICULTURE – The activities that include the growing, processing, marketing, distribution, and consumption of food and other products through growing plants and raising animals in and around an urban area. Such activities can be public, private, or commercial and can exist in a variety of forms, including community gardens, market gardens, and backyard animal keeping. When done successfully, these activities also produce environmental, health, social, and economic effects that can positively impact a community and increase its resilience.

UTILITY – A corporation, enterprise, government entity or persons generating, transmitting, distributing, transporting and/or collecting in any manner, electricity, heat, steam, natural gas, propane, water, wastewater, or communications (cable, telephone and fiber optic) to the public, or any portion thereof.

VARIANCE – A permissive waiver of terms and conditions of this chapter issued by the Zoning Hearing Board.

VEHICLE OR EQUIPMENT SALES – The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

VEHICLE REPAIR GARAGE – An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VIOLATION – The act of not meeting specific conditions or requirements of this Chapter.

WHOLESALE ESTABLISHMENT – Establishments or places 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 CONVERSION SYSTEM (WEC) – Any device which converts wind energy to a form of usable energy.

WIND GENERATOR – Equipment that converts energy from the wind into electricity. Includes the rotor, blades, and associated mechanical and electrical conversion components necessary to generate, store, and/or transfer energy.

WIND TURBINE – An aggregation of parts including the base, tower, generator, rotor, blades, etc. in such configuration as necessary to convert the power of wind into mechanical or electrical energy.

WIRELESS COMMUNICATIONS ANTENNA – Any structure designed for transmitting or receiving wireless communications of video, voice, data and similar transmissions, including but not limited to omnidirectional or whip antennas, directional or panel antennas and satellite or microwave dish antennas that may be mounted on an existing building, an existing public utility storage or transmission structure or an existing communications tower, excluding transmission and receiving devices licensed by the Federal Communications Commission (FCC) exclusively for private use by citizens.

WIRELESS COMMUNICATIONS TOWER – A structure other than a building, such as a monopole or guyed tower, designed and used to support one (1) or more wireless communications antennas.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, such as a tower-based wireless communications facility or any other support structure that could support the placement or

installation of a non-tower based wireless communications facility if approved by the Borough.

YARD – An unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

BUFFER YARD – An open space inclusive of vegetation and designed to provide an area of separation between different districts or uses.

FRONT YARD –An open space area extending along the full width of a lot parallel to the front property line or adjacent street right-of-way line, whichever is the closer to the property, which area is unoccupied and obstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

REAR YARD – An open space area extending across the full width of a lot parallel to the rear property line or adjacent street right-of-way line, whichever is closer to the property, which area is unoccupied and unobstructed from the ground up, except for such intrusions as are expressly permitted by this Chapter.

SIDE YARD – An open space area extending along the side of a lot parallel to the side lot line, which area shall extend from the front yard area to the rear yard area, except that in the absence of a rear or front yard area the side yard area shall extend the full length of the lot.

YARD SETBACK AREA – An area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side or rear yard setbacks.

ZONING DISTRICT – A finite area of the Borough, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of buildings and structures. The regulations of a zoning district may be supplemented or altered by regulations imposed in an overlay zoning district.

ZONING HEARING BOARD – The Zoning Hearing Board of Dalton Borough.

ZONING MAP – The map setting forth the boundaries of the districts of this chapter and adopted by the Board of Supervisors of the Borough.

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ARTICLE 3
District Regulations and Zoning Map

Section 3.1 – Designation and Intent of Districts

A. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, Dalton Borough is hereby divided into districts which shall be designated on the Zoning Map and as follows:

1. Agricultural/Conservation/Recreational Districts.

   (a) **RUR – Rural Resource District:** To preserve agricultural lands and woodlands, to encourage conservation of open space and rural landscapes, and to allow for limited low-density residential uses and limited business uses compatible with working lands.

2. Residential Districts.

   (a) **R-1 – Rural Single Family Residential District:** To accommodate low-density single-family detached dwellings on existing arterial and collector roads, with no public sewer and water, and in conjunction with rural agricultural activities.

3. Mixed Use Districts.

   (a) **V – Village Mixed Use District:** To accommodate medium-density clusters of low-impact, neighborhood-oriented residential and non-residential land uses in rural communities, ranging from single-family dwellings to professional offices to small institutional buildings.

4. Industrial Districts:

   (a) **CI – Commercial-Industrial District:** To create a zone where small-scale, low-impact light industrial uses and general commercial development coexist along arterial and collector roads.

B. Overlay Districts and Purpose Statements.

See Article 4 of this Ordinance for the designation and intent of the overlay districts.

Section 3.2 – Zoning Map

A. The boundaries of the districts in which Dalton Borough is divided shall be shown upon a map entitled the “Dalton Borough Zoning Map,” which is available on file for public viewing at the Dalton Borough Office. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

B. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the Borough.

Section 3.3 – Interpretation of District Boundaries

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be constructed a following such lot lines.

C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

D. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.

E. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.

F. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.

G. Boundaries indicated as approximately parallel to or extensions of features identified in subsections A through F above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

H. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by subsections A through G above, it shall be the function of the Zoning Officer to interpret the Zoning Map.

I. Where one (1) or more district boundary lines divides a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

Section 3.4 – District Quick Views

The subsections included herein provide the following information about each zoning district designated in Section 3.1:

A. Table of Principal Use Regulations (organized by land use group);

B. Table of Accessory Use Regulations;

C. Dimensional Regulations for Lots and Buildings;

D. Preferred Lot Configurations; and

E. Other Requirements.

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Scranton-Abingtons Planning Association

Rural Zoning Transect

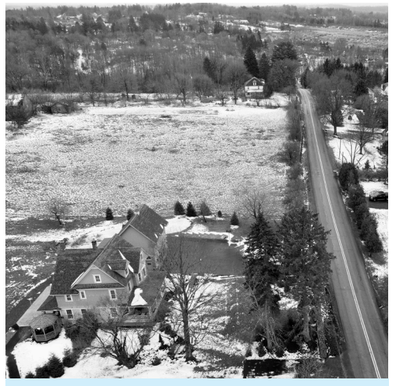
The 4 municipalities of Waverly, Newton, West Abington and Dalton, are classified as Rural. Within this category, 9 of the 24 districts appear to exist. To note, all nine districts might not be applicable to each of the municipalities. For example, district 1, 4, 5 could be found in West Abington, while district 2,3,6,7,12,21 are not existing in West Abington.

Dalton

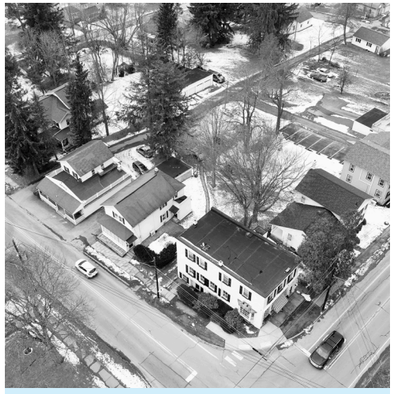




1 Rural Resource



4 Rural Single Family Residential



12A Village Mixed Use

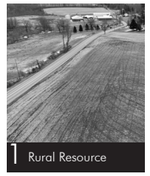


21 Commercial - Industrial

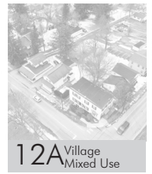
Overlays

O7 Residential Overlay

1 Rural Resource


1 Rural Resource


4 Rural Single Family Residential


12A Village Mixed Use


21 Commercial-Industrial

Overlays

O6 Cluster Residential Overlay

PERMITTED USES

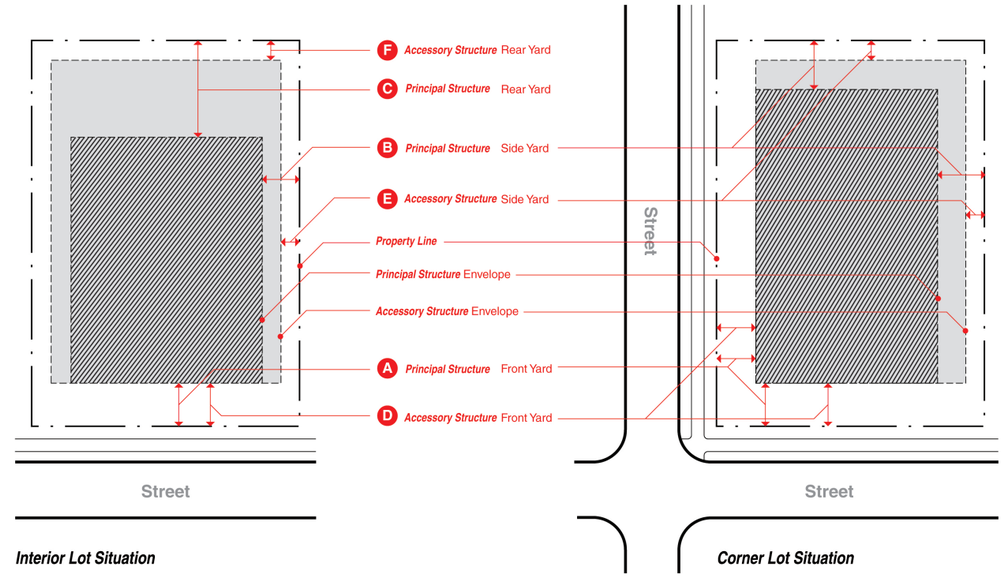
PRINCIPAL USES				ACCESSORY USES	
Abused person shelter	P	Group home	P	Carport, garage, or shed, private	C
Animal hospital or veterinary clinic	C	Kennel	C	Crop storage, as an accessory use to farming	P
Bed-and-breakfast	C	Landscape/nursery, retail	P	Day care center, child	P
Camp or retreat	C	Mineral extraction and quarrying	C	Day care home, family	P
Cemetery	C	Municipal/government facility or use	P	Dwelling: Accessory (granny flat/ garage apartment)	P
Conservation	P	Nature preserve	P	Essential services	C
Craftsman-artisan workshop	C	Nursing home	P	Farm Cafes	P
Crop farming	P	Oil and gas extraction	P	Farm Stands	C
Day care center, adult	P	Park, private	C	Forestry	P
Day care center, child	P	Park, public	P	Greenhouse/Nursery	C
Dwelling: conversion apartment	P	Personal care home	P	Home Based Business, No Impact	P
Dwelling: seasonal farm/agricultural worker	P	Place or worship/assembly	C	Home Based Business, Other	C
Dwelling: single-family detached	P	Raising of livestock, large-scale/ intensive	P	Mausoleum	C
Dwelling: two-family	P	Raising of livestock, small-scale	P	Off-Premise Sign	C
Equestrian farm	P	Restaurant	C	Off-street parking/loading accesso- ry non-residential uses	C
Essential services	P	Restaurant, café	C	Off-street parking/loading accesso- ry to residential uses	C
Event barn/facility	C	Riding academy and stables	P	Satellite dish/antenna	C
Fairgrounds/carnival grounds/event grounds	P	School, private	C	Sawmill	C
Farm café	C	Seasonal dwelling	P	Short term rental	P
Farm stand	C	Shooting/archery range, indoor	P	Solar energy device	P
Farmers market	C	Shooting/archery range, outdoor	C	Stables	C
Forestry	P	Solar energy farm	C	Wind turbine	C
Gameland or preserve	P	Trails	P		
Gentlemans farm	P	Treatment center	P		
Golf course or country club	C	Vehicle repair garage	P		
Golf driving range	C	Wind turbine	P		
Golf, miniature	C	Wireless communications tower	C		
Greenhouse/landscape nursery, wholesaler	P				
Group care facility	P				

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

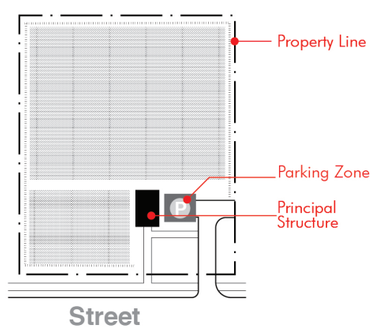
LOT DIMENSIONS STANDARDS

LOT SIZE	80,000 sf
LOT WIDTH	
at Building Setback Line	200 ft
at Street Line	
HEIGHT	
Principal Structure	35 ft
Accessory Structure	
COVERAGE	
Building	%
Impervious Surface	15%

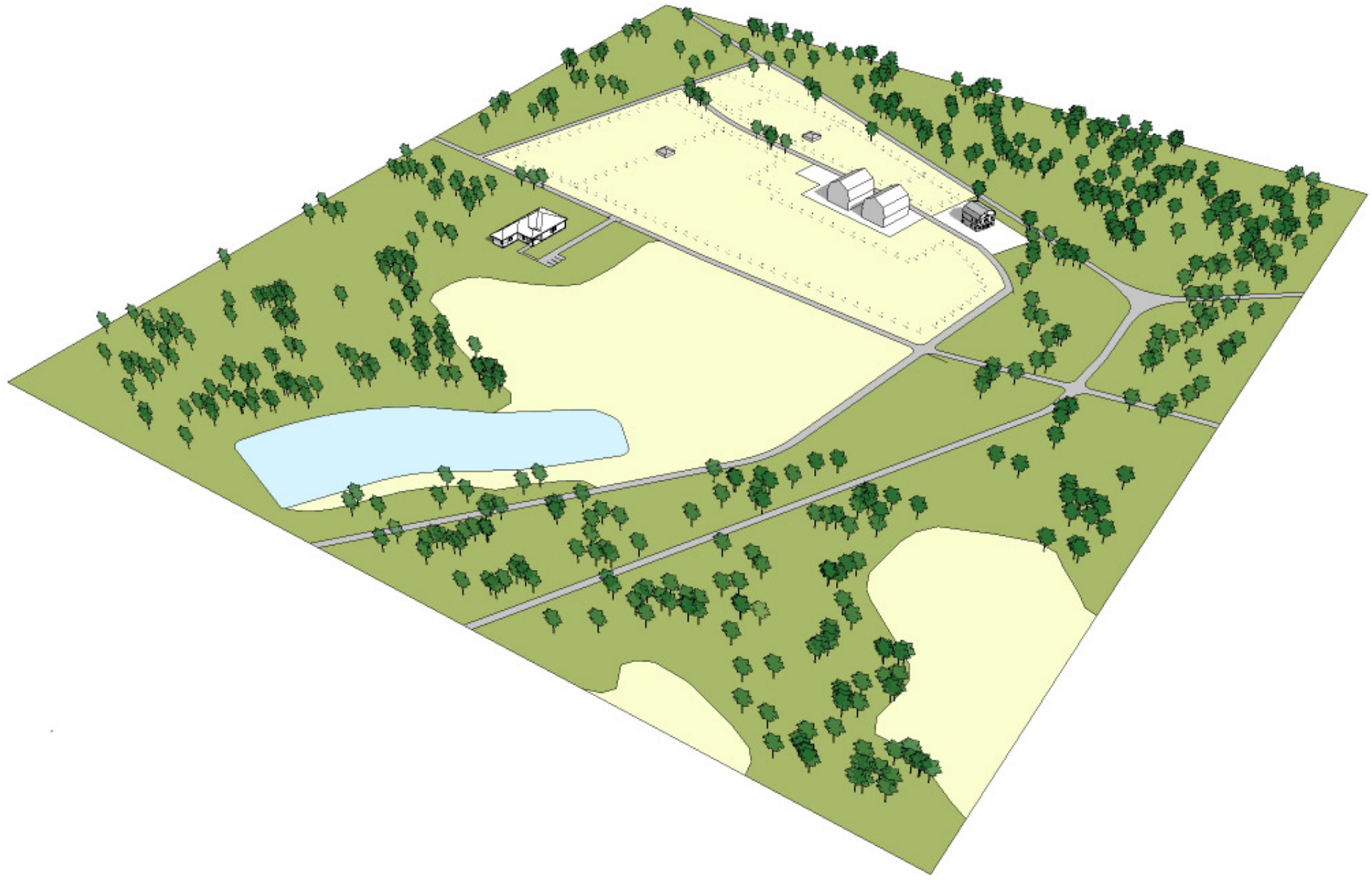
YARD SETBACK		
PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	50 ft
	A Front Yard, on Arterial Street	50 ft
	B Side Yard	25 ft
	C Rear Yard	50 ft



PREFERRED LOT CONFIGURATIONS



PUBLIC REALM STANDARDS



4 Rural Single Family Residential



PERMITTED USES

PRINCIPAL USES

Abused person shelter	P
Bed-and-breakfast	C
Cemetery	C
Conservation	P
Day care center, adult	P
Day care center, child	P
Dwelling: conversion apartment	P
Dwelling: seasonal farm/agricultural worker	C
Dwelling: single-family detached	P
Dwelling: townhouse	C
Dwelling: two-family	P
Essential services	P
Forestry	P
Golf course or country club	C
Golf driving range	C
Golf, miniature	C
Group care facility	P
Group home	P
Municipal/government facility or use	P
Nature preserve	P
Oil and gas extraction	P
Park, private	C
Park, public	P
Personal care home	P
Place or worship/assembly	C
Traditional neighborhood development	C
Trails	P
Urban agriculture	C
Wind turbine	C
Wireless communications tower	C

ACCESSORY USES

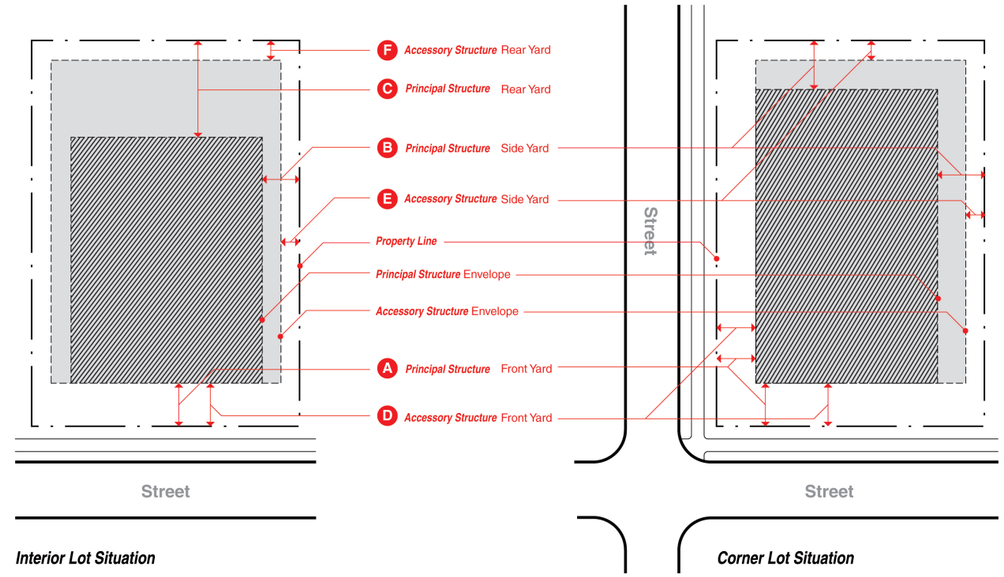
Carport, garage, or shed, private	C
Day care center, child	P
Day care home, family	P
Dwelling: Accessory (granny flat/garage apartment)	P
Essential services	C
Farm Cafes	P
Forestry	P
Greenhouse/Nursery	C
Home Based Business, No Impact	P
Home Based Business, Other	C
Mausoleum	C
Off-Premise Sign	C
Off-street parking/loading accessory to residential uses	C
Satellite dish/antenna	C
Sawmill	C
Short term rental	P
Solar energy device	P
Stables	C

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

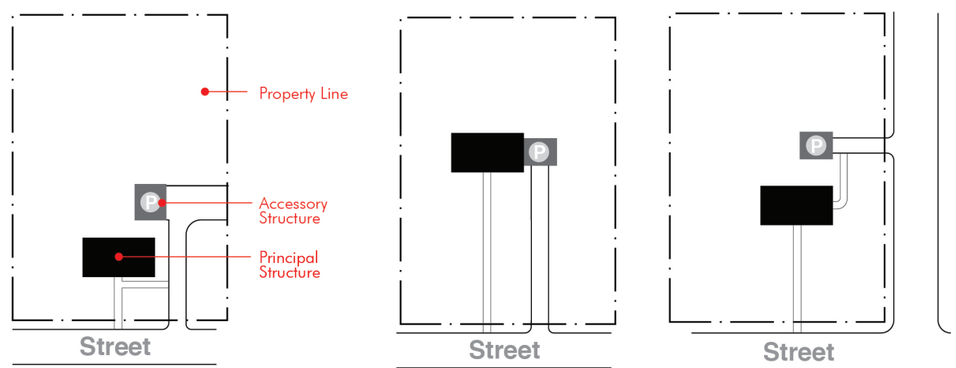
LOT DIMENSIONS STANDARDS

LOT SIZE	43,560 sf
LOT WIDTH	
at Building Setback Line	100 ft
at Street Line	
HEIGHT	
Principal Structure	35 ft
Accessory Structure	
COVERAGE	
Building	%
Impervious Surface	25%

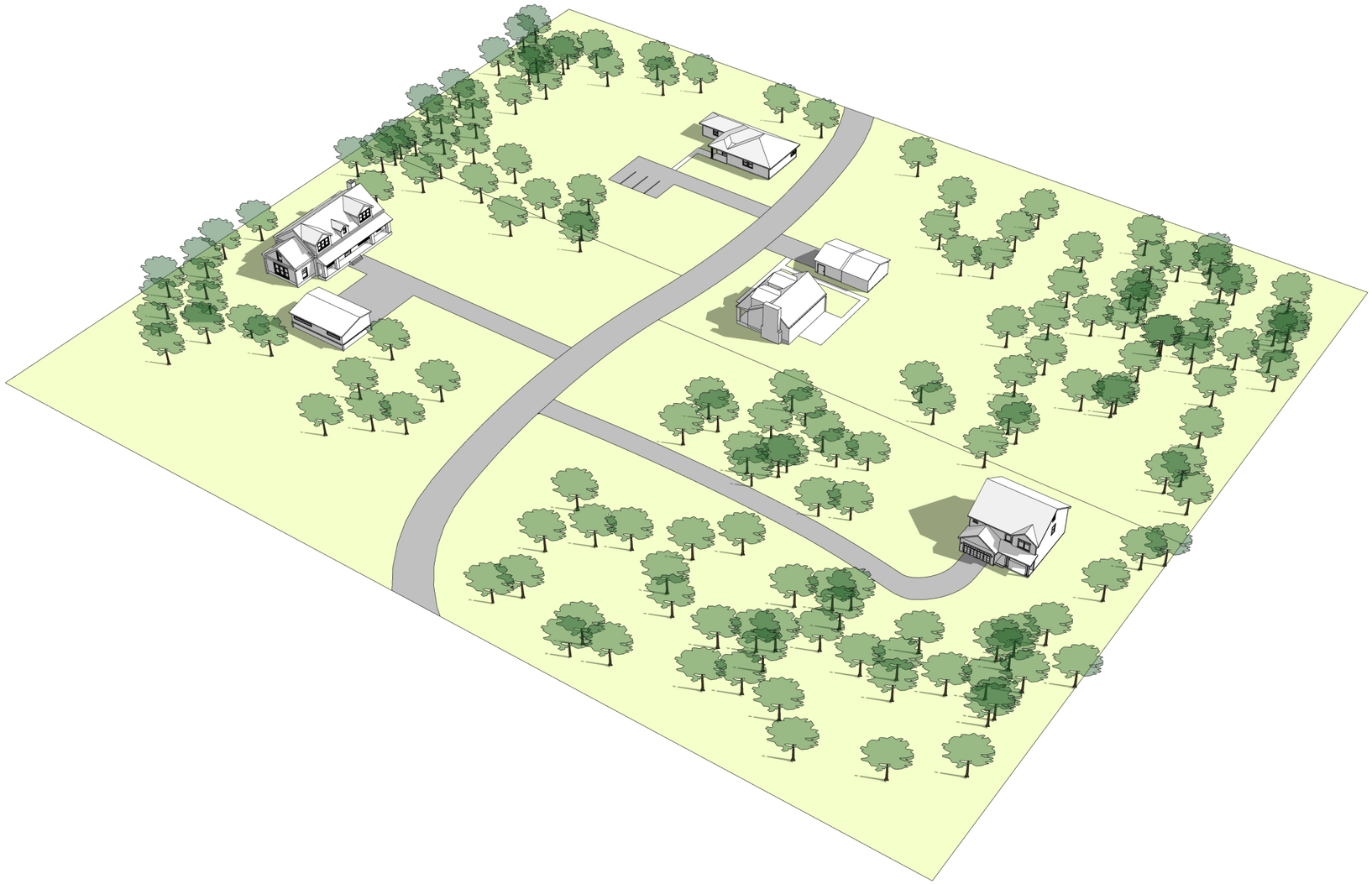
YARD SETBACK		
PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	35 ft
	A Front Yard, on Arterial Street	50 ft
	B Side Yard	25 ft
	C Rear Yard	50 ft



PREFERRED LOT CONFIGURATIONS

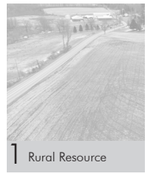


PUBLIC REALM STANDARDS

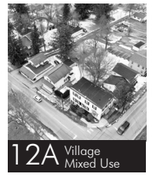


12A Village Mixed Use

Rural


1 Rural Resource


4 Rural Single Family Residential


12A Village Mixed Use


21 Commercial-Industrial

Overlays

O6 Cluster Residential Overlay

PERMITTED USES

PRINCIPAL USES	
Abused person shelter	P
Animal hospital or veterinary clinic	P
Bakery	P
Bank or financial institution	C
Bar or tavern	P
Bed-and-breakfast	P
Boarding or lodging house	P
Brew pub	P
Building, contracting, or related business	C
Business service establishment	P
BYOB club	P
Cemetery	C
Commercial recreation facility, indoor	C
Community center or library	P
Community garden	P
Convenience store	C
Craftsman-artisan workshop	C
Cultural center or museum	P
Day care center, adult	C
Day care center, child	C
Drug store/pharamacy	C
Dwelling: apartment building	C
Dwelling: conversion apartment	P
Dwelling: single-family detached	P
Dwelling: townhouse	C
Dwelling: two-family	P
Emergency services	P
Essential services	P
Farm café	P
Farmers market	C
Forestry	P
Funeral home	C
Galleries	P
Golf, miniature	C
Group care facility	p
Group home	P
Laundromat/dry cleaners	C
Lumberyard	A
Membership club, fraternity, or sorority	P
Mixed use structure (retail and apartments)	P
Municipal/government facility or use	P
Office, business or professional	P
Office, medical or dental	P
Oil and gas extraction	P
Park, private	C
Park, public	P
Personal care home	P
Personal service establishment	P
Place or worship/assembly	P
Public parking	C
Recreation facility, public	C
Restaurant	P
Restaurant, café	P
Restaurant, carryout	P
School, private	C
Small scale grocery	P
Small scale retail	P
Spa	P
Studio or school for special training	P
Tasting rooms	P
Tattoo parlor	P
Traditional neighborhood development	C
Trails	P
Vehicle or equipment sales	C
Vehicle repair garage	C

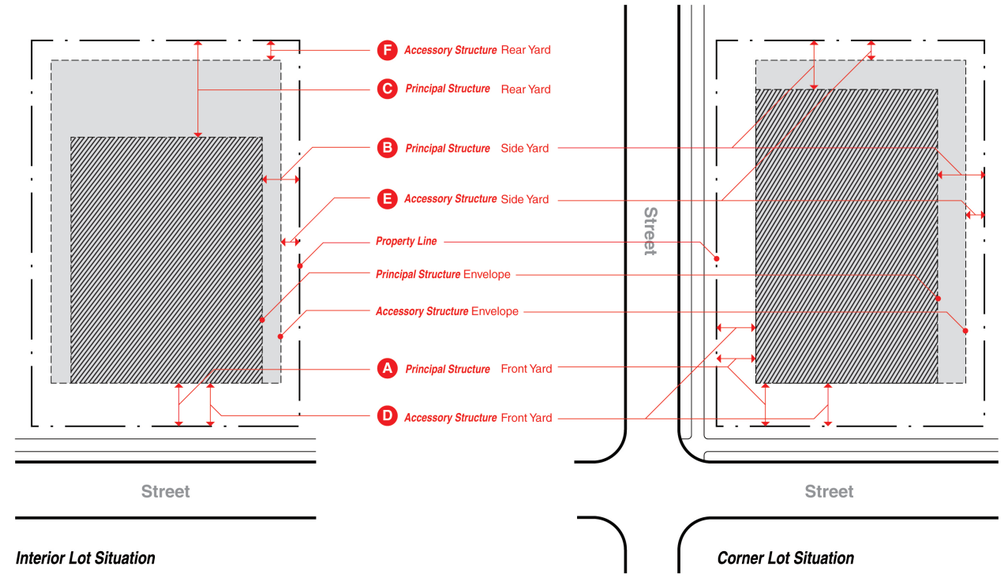
ACCESSORY USES	
Carport, garage, or shed, private	C
Community center or library	P
Day care center, child	C
Day care home, family	C
Day care home, group	C
Dormitory	C
Dwelling: Accessory (granny flat/garage apartment)	P
Emergency services	P
Essential services	C
Farm Cafes	P
Forestry	P
Greenhouse/Nursery	C
Home Based Business, No Impact	P
Home Based Business, Other	C
Mausoleum	C
Off-Premise Sign	C
Off-street parking/loading accessory non-residential uses	C
Off-street parking/loading accessory to residential uses	C
Satellite dish/antenna	C
Short term rental	P

P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

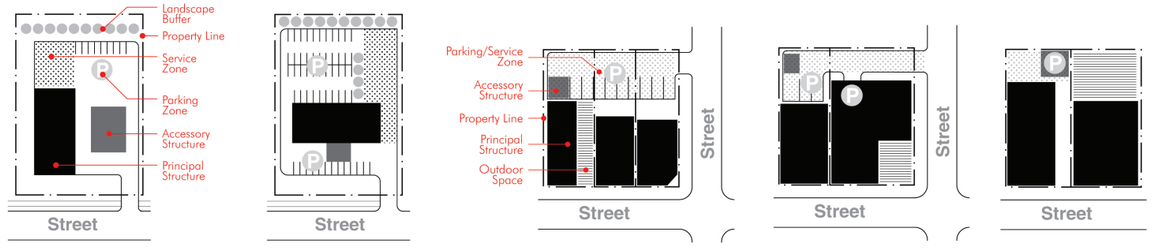
LOT DIMENSIONS STANDARDS

LOT SIZE	4,000 sf
LOT WIDTH	
at Building Setback Line	50 ft
at Street Line	
HEIGHT	
Principal Structure	40 ft
Accessory Structure	
COVERAGE	
Building	%
Impervious Surface	70%

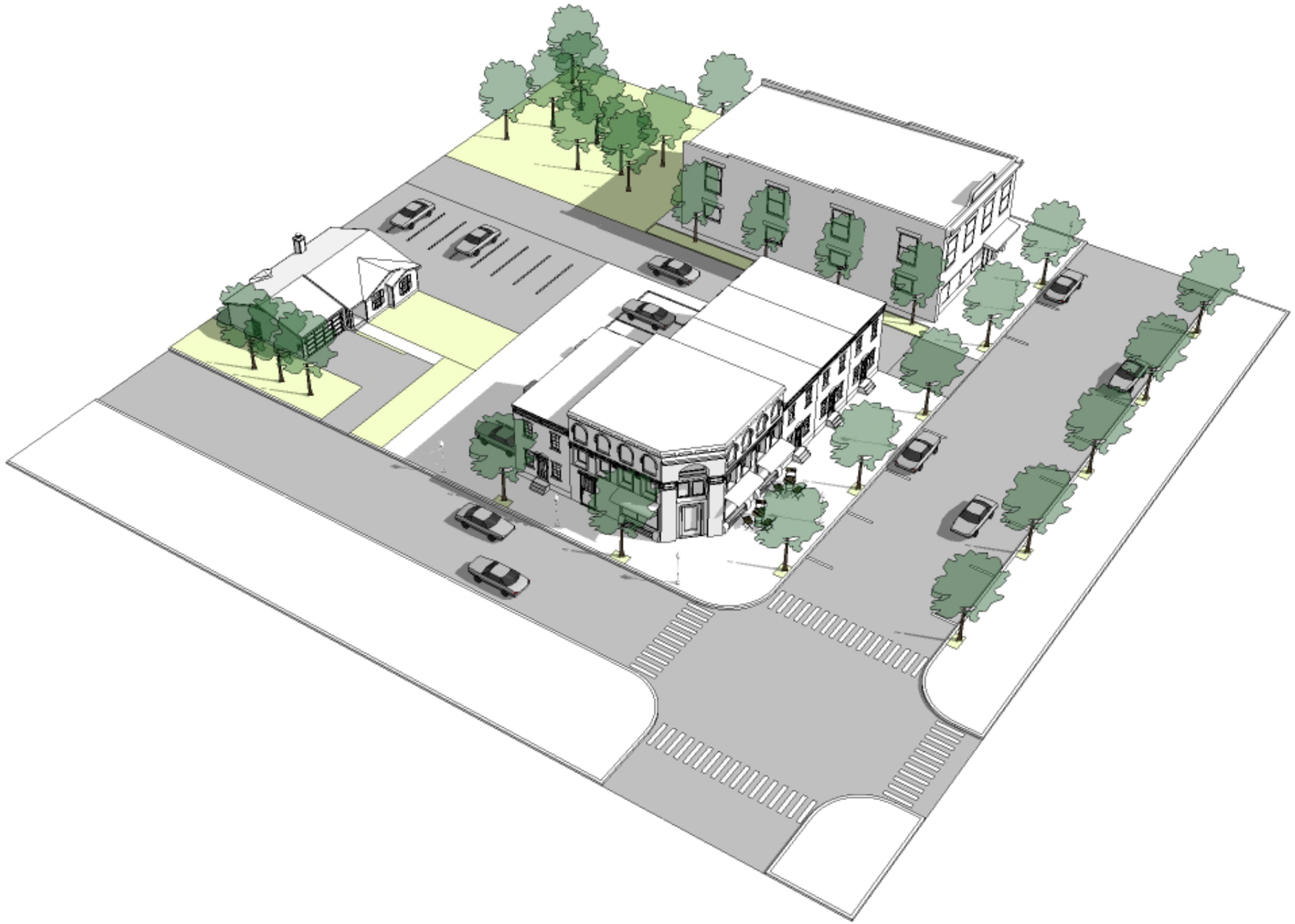
YARD SETBACK		
PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	0 ft
	A Front Yard, on Arterial Street	0 ft
	B Side Yard	0 ft
	C Rear Yard	5 ft



PREFERRED LOT CONFIGURATIONS



PUBLIC REALM STANDARDS



21 Commercial - Industrial

Rural


1 Rural Resource


4 Rural Single Family Residential


12A Village Mixed Use


21 Commercial-Industrial

Overlays

O6 Cluster Residential Overlay

PERMITTED USES

PRINCIPAL USES

Animal hospital or veterinary clinic	P
Bank or financial institution	C
Bar or tavern	P
Brew pub	P
Building, contracting, or related business	P
Business service establishment	P
BYOB club	P
Car or truck wash	C
Commercial recreation facility, indoor	P
Convenience store	P
Craftsman-artisan manufacturing	P
Farm café	P
Gasoline service station	C
Hardware store	P
Landscape/nursery, retail	P
Office, business or professional	P
Office, medical or dental	P
Personal service establishment	P
Restaurant	P
Restaurant, café	P
Restaurant, carryout	P
Retail establishment	P
School, commercial	P
Self-storage facility	C
Shooting/archery range, indoor	P
Shopping center or mall	C
Small scale grocery	P
Spa	P
Studio or school for special training	P
Tasting rooms	P
Tattoo parlor	P
Vehicle or equipment sales	P
Vehicle repair garage	P
Lumberyard	P
Manufacturing, light	C
Oil and gas extraction	P
Outdoor storage of goods	C
Mobile storage units	C
Research and development facility	P
Wholesale establishment	C
Agricultural processing artisan	C
Essential services	P
Wireless communications tower	C
Municipal/government facility or use	P
Park, private	C
Park, public	P
Trails	P
Cemetery	C
Forestry	P
Recreation facility, private	P

ACCESSORY USES

Carport, garage, or shed, private	C
Home Based Business, No Impact	p
Car or truck wash	C
Crematorium	P
Drive-Thru Facility	C
Essential services	C
Farm Cafes	P
Forestry	P
Greenhouse/Nursery	C
Mausoleum	C
Off-Premise Sign	C
Off-street parking/loading accessory non-residential uses	C
Satellite dish/antenna	C
Solar energy device	P
Stables	C
Wireless communications antenna	C
Sawmill	C

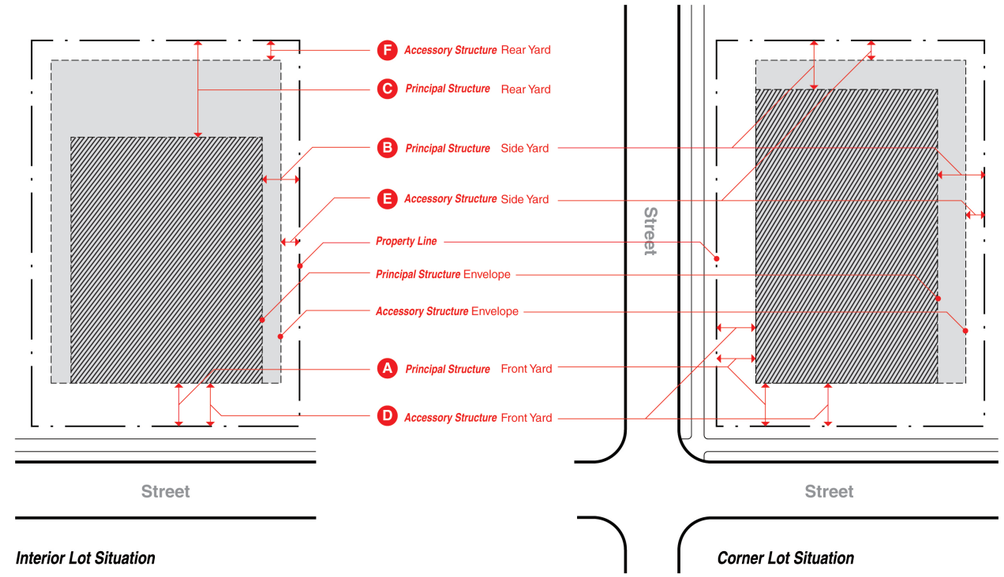
P = Permitted Use by Right C = Conditional Use SE = Use by Special Exception

LOT DIMENSIONS STANDARDS

LOT SIZE	20,000 sf
LOT WIDTH	
at Building Setback Line	100 ft
at Street Line	
HEIGHT	
Principal Structure	40 ft
Accessory Structure	
COVERAGE	
Building	%
Impervious Surface	N/A

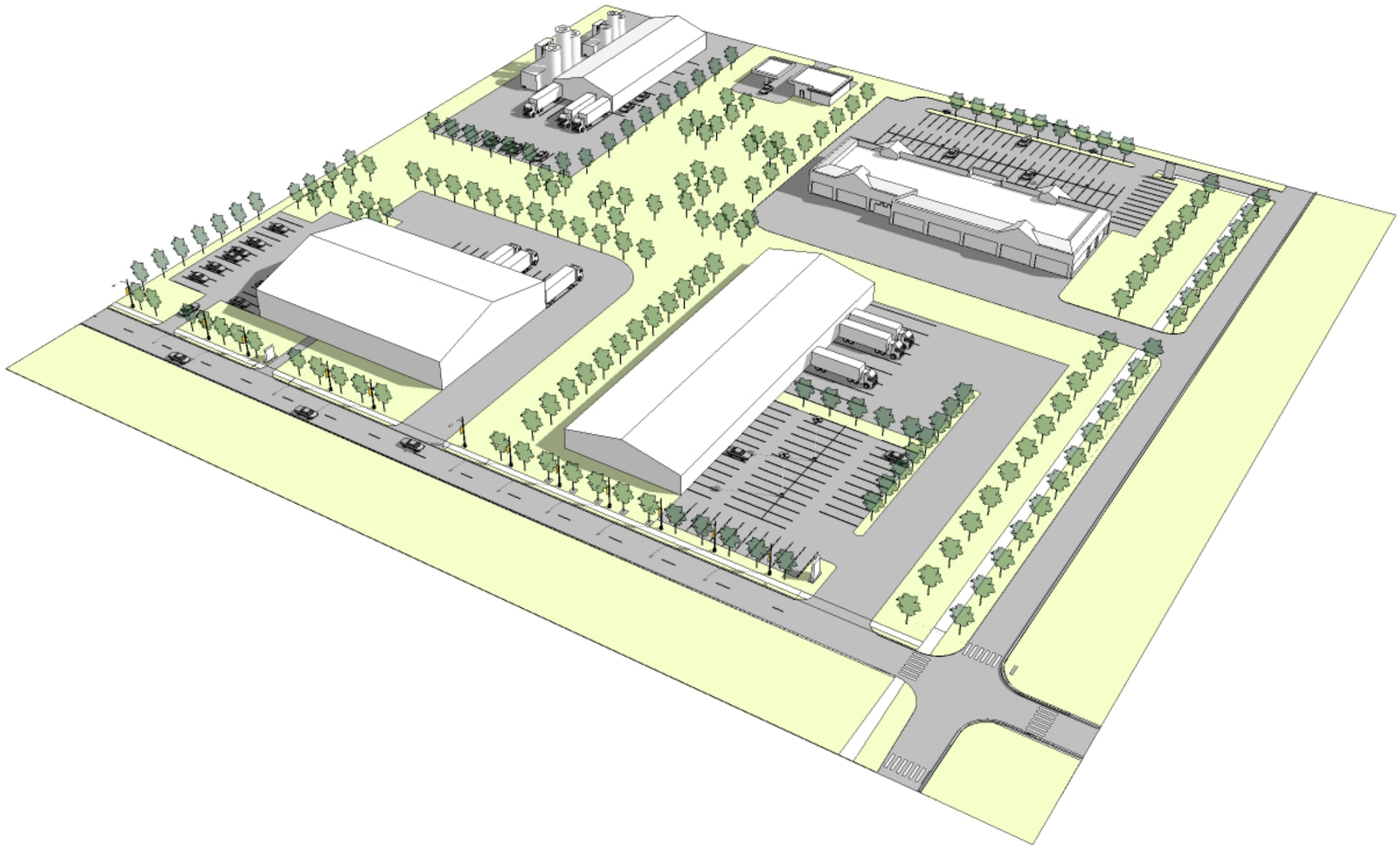
YARD SETBACK

PRINCIPAL STRUCTURE	A Front Yard, on Local/Collector Street	50 ft
	A Front Yard, on Arterial Street	50 ft
	B Side Yard	20 ft
	C Rear Yard	20 ft



PREFERRED LOT CONFIGURATIONS

PUBLIC REALM STANDARDS



O7 Residential Overlay

Rural



1 Rural Resource



4 Rural Single Family Residential



12A Village Mixed Use



21 Commercial-Industrial

Overlays

O7 Residential Overlay

PERMITTED USES

PRINCIPAL USES		ACCESSORY USES	

ARTICLE 4
Overlay Regulations

Section 4.1 – Access Management Overlay

A. Purpose.

The Access Management Overlay requirements are intended to provide land use and development controls along specified high-traffic corridors, including U.S. Route 6 and U.S. Route 11, as an overlay that is supplemental to the underlying zoning district regulations. If a conflict exists between the regulations of this Section and the underlying zoning district regulations, the more restrictive requirements shall apply. All land designated herein as part of the Access Management Overlay shall be subject to the requirements of this Section regardless of which underlying zoning district said land is located.

B. Provisions.

1. Interconnection of Off-Street Parking Areas.

To reduce traffic congestion and the number of curb cuts along public streets, parking areas shall be connected to adjacent parcels, via internal access drives. The intent is to provide secondary points of access in a grid pattern in the Access Management Overlay. Where a parking area is constructed and is adjacent to an undeveloped nonresidential parcel, the access drive shall be extended to the lot line for connection by future uses.

2. Reduction of Access Points.

(a) The use of shared access points is strongly recommended. Where possible, two adjacent lots may share ingress and egress points to serve both uses rather than solely the use on the lot where the ingress/egress point is located. This model will decrease the number of curb cuts and create safer and more efficient arterial streets within the Access Management Overlay.

(b) When adjacent lots are consolidated, only one (1) access point/curb cut shall be retained for the consolidated lot. Any existing access point/curb cut beyond the one retained shall be abandoned.

(c) The provision of joint access shall be subject to the creation of an easement with the deed allowing cross-access between the two lots. The joint access arrangements shall include a recorded joint agreement with the deed defining the maintenance responsibilities of each of the property owners served by the access road.

3. Access to Different Types of Streets.

(a) Access to lots abutting collector and local streets shall be provided from those streets. Such lots shall not be permitted to have more than one (1) access point from and onto an arterial street per 500 feet of lot frontage.

(b) Each lot with less than 250 feet of frontage on an arterial street within the Access Management Overlay shall have not more than one (1) access point from and onto such street involving left-hand turns, and no lot with 250 or more feet of total frontage on an arterial street shall have more than two (2) access points from and onto such street involving left-hand turns. If a lot has more than one (1) access point, the separation distance between access points should be maximized and in no case shall be under 100 feet, where reasonable considering other traffic safety concerns.

(c) The minimum distance to be provided between access points and a street intersection on the same and/or opposite side of the following types of streets (as measured from center line to center line) shall be provided as follows:

(1) From an intersection with an arterial street: 300 feet required;

(2) From an intersection with a collector street: 200 feet required; and

(3) From an intersection with a local street: 100 feet required.

4. Large-Scale Developments.

Developments consisting of three (3) or more principal structures shall make use of a carefully coordinated interior street system, subject to the following provisions:

(a) Each principal building shall have its main vehicle access onto a common parking lot, access drive, service road, marginal access street, or other alternative method approved by the Borough, which shall then provide access to arterial or collector streets.

(b) Vehicle access shall be provided to each use without causing congestion to, hazards upon or interference with traffic movement on public streets.

(c) All access to outparcels of a development shall be provided using internal access drives. Separate access to outparcels from arterial streets shall be prohibited.

Section 4.2 – Floodplain Overlay

Reserved.

Section 4.3 – Conservation Design Overlay District

A. Purposes and Development Options

1. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:

(a) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.

(b) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

(c) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.

(d) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.

(e) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Borough Comprehensive Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.

(f) To implement adopted land use, transportation, and community policies, as identified in the Scranton-Abington Planning Association Multi-Municipal Comprehensive Plan.

(g) To protect areas of the Borough with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.

(h) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

(i) To provide for the conservation and maintenance of open land within the Borough to achieve the abovementioned goals and for active or passive recreational use by residents.

(j) To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).

(k) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

(l) To conserve scenic views and elements of the Borough’s rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

2. *By-Right* Development Options - In order to achieve these purposes, Section 4.3 A. provides for flexibility in designing -1 new residential subdivisions by allowing two forms of *by-right* development referred to as *options,* as summarized below:

   (a) Option One - *Increased Density and Basic Conservation,* providing for residential uses at an increased density than permitted by the underlying zoning with not less than fifty (50) percent of the tract comprised of conservation open space

   (b) Option Two - *Greater Density with Greater Conservation,* providing residential uses at a density increased than the density permitted by the underlying zoning with not less than sixty (60) percent of the tract comprised of conservation open space.

3. Densities and Required Open Space Percentages - See Section 4.3 D.

B. General Regulations

The design of all new subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:

1. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.

2. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan,* the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration. ·

3. Combining the Design Options -The various layout and density options described in this section may be combined at the discretion of the Borough, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section, as compared with applying a single option to the property.

4. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Borough Subdivision and Land Development Ordinance.

5. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources and Site Analysis Plan.* Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.

C. Minimum Parcel Size and Use Regulations

Tracts of six (6) acres or more in the Conservation Design Overlay District may be used for the following purposes:

1. Single-Family Detached Dwellings - Single-family detached dwellings in subdivisions using Option l – Basic Conservation or Option 2 - Greater Conservation.

2. Two-family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in subdivisions or land developments using Option l - Basic Conservation or Option 2 - Greater Conservation at the same density as single-family dwellings.

3. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of Section 4.3 E.

4. Nonresidential Uses -The following non-residential uses:

   (a) Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.

   (b) Wood lots, arboreta, and other similar silvicultural uses.

   (c) Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

   (d) Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.

   (e) Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

D. Density Determination and Dimensional Standards

1. Standards for Option 1 - Increased Density and Basic Conservation

Table **Option 1 – Increased Density and Basic Conservation**					
Density Requirements for Single-Family Dwellings					
				Served by central / community sewage	
Zoning District		Served by on-lot sewage in	All		
Density factor (required land area per dwelling unit)		39,285 square feet	72,000 square feet	27,000 square feet	18,000 square feet
Density Requirements for Two- Family Dwelling					
Density factor (required land area per dwelling unit)		39,285 square feet	72,000 square feet	27,000 square feet	9,000 square feet
Density Requirements for Townhouses					
			Central/community water and sewage required		
Zoning Distract			RR	R-1	R-2
Density factor (required land area per dwelling unit)			72,000 square feet	27,000 square feet	See l 603

(a) Density Factor - One dwelling unit per the required area for the district (density factor) as shown in Table D.1, as determined through the Adjusted Tract Acreage approach or yield plan described in D.4.a. (The density factor is reduced by ten percent from that of a standard subdivision.)

(b) Minimum Required Conservation Open Space -The subdivision must include at least forty (40) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in D.4.a. as conservation open space.

(c) Dimensional Standards -The dimensional standards in Table D.1.c. shall apply.

Table **Option 1 – Increased Density and Basic Conservation**	
Dimensional Standards for Single-Family Detached and Two-Family Dwellings	
Minimum Individual Area	5,000 square feet
Minimum Lot Width at Building Line	60 feet
Minimum Street Frontage	20 feet
Flag Lots	Permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations – the principal building position and orientation should be varied	
-Minimum front	20 feet
-Minimum Rear	30 feet; where the rear yard adjoins conservation open space
-Minimum side	30 feet separation of principal buildings – no side yard less than 5 feet
Maximum Lot Coverage	40 percent per individual lot
Dimensional Standards for Townhouses - see	

2. Standards for Option 2 - Greater Density with Greater Conservation

Table **Option 1 – Increased Density and Basic Conservation**				
Density Requirements for Single-Family Dwellings				
			Served by central / community sewage	
Zoning District	Served by on-lot sewage in	All		
Density factor (required land area per dwelling unit)	37,100 square feet	68,000 square feet	25,000 square feet	17,000 square feet

Table **Option 2 – Greater Density With Greater Conservation**				
Density Requirements for Two-Family Dwellings				
Density factors (required land area per dwelling unit)	37,000 square feet	68,000 square feet	25,000 square feet	8,500 square feet

Density Requirements for Two-Family Dwellings			
		central / community water and sewage required	
Zoning District	RR	R-1	R-2
Density factors (required land area per dwelling unit)	68,000 square feet	25,500 square feet	

(a) Density Factor - One dwelling unit per the required area for the district (density factor) as shown in Table D.2.a, as determined through the Adjusted Tract Acreage approach or yield plan described in Section D.4.a. (The density factor is reduced by fifteen percent from that of a standard subdivision.)

(b) Minimum Required Conservation Open Space -The subdivision must include at least sixty (60) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in Section D.4.a, as conservation open space. Conservation open space shall not be used for residential lots, except as provided below.

(c) Dimensional Standards -The dimensional standards in Table D.2.c, shall apply.

Table **Option 2 – Greater Density With Greater Conservation**	
Dimensional Standards for Single-Family Detached and Two-Family Dwellings	
Minimum Individual Area	5,000 square feet
Minimum Lot Width at Building Line	60 feet
Minimum Street Frontage	20 feet
Flag Lots	Permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations – the principal building position and orientation should be varied	
-Minimum front	20 feet
-Minimum Rear	30 feet, 20 feet where the rear yard adjoins conservation
-Minimum side	30 feet separation of principal buildings – no side yard less than 5 feet
Maximum Impervious Coverage	40 percent per individual lot
Dimensional Standards for Townhouses - see	

3. Dimensional Standards for Townhouses in Option 1 - Increased Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - The standards in Table D.3, shall apply.

Table **Option 1 and Option 2 – Dimensional Standards For Townhouses**	
Minimum Individual	none
Maximum Lot Depth to Width Ratio	5:01
Minimum Lot Width at Building Line	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Yard Regulations – the principal building position and orientation should be varied	
-Minimum front	20 square feet
-Minimum Rear	20 square feet
-Minimum side	35 feet separation of principal buildings
Maximum Impervious Coverage	70 percent per individual lot
Maximum Height Regulations	35 feet

4. Density Determination for Option 1 - Increased Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

   (a) Adjusted Tract Acreage Approach-Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical "density factor" for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.

I. The following areas of constrained land shall be deducted from the gross (total) tract area:

   1) Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1. 0.

   2) Private Streets: multiply the acreage of land under existing private streets by 1.0.

   3) Wetlands: multiply the acreage of designated wetlands by 0.95.

   4) Floodway: multiply the acreage within the floodway by 1. 0.

5) Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0 .5.

6) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.

7) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.

8) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.

9) Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

II. If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.

III. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.

(b) Yield Plan Approach - Determination of density, or maximum number of permitted dwelling units, shall be based upon density factor of the chosen option applied to the gross tract acreage, as demonstrated by an actual Yield Plan. Yield Plans shall meet the following requirements:

I. SALDO Requirements - Yield Plans must be prepared in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.

II. Resource Identification - The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the *Existing Resources/Site Analysis Plan,* and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factor of the chosen option. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplains and land with slopes greater than 15 percent.

III. Individual Sewage Disposal Systems - On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on

the primary and secondary resources, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Borough shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Borough and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system.

IV. Yield Plan Density and Dimensional Standards - The following dimensional standards shall be used in the development of Yield Plans for Option 1 and Option 2 subdivisions. The minimum lot sizes are derived from the density factor for the district location of the proposed development and the type of water supply and sewage disposal proposed. These minimum area dimensions are exclusive of all wetlands, slopes greater than twenty-five (25) percent, and land under high-tension electrical, transmission lines (69kV or greater). No more than twenty-five (25) percent of the minimum required lot area may consist of land within the 100-year: floodplain, and only then if it is free of wetlands.

Table
Yield Plan Dimensional Standards

Minimum Lot Size (square feet)	Minimum Lot Width at Minimum Setback	Minimum Setback (feet)		
		Front	Rear	Side
68,800 and 72,000	200	35	50	25
37,100 and 39,285	150	35	50	25
25,500 and 27,000	125	35	35	25
17,000 and 18,000	100	35	35	15
8,500 and 9,000	70	30	25	10

E. Design Standards for Option 1 - Basic Conservation, and Option 2 - Greater Conservation

1. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Borough Subdivision and Land Development Ordinance.

2. Setbacks -All new dwellings shall meet the following setback requirements in the following Table E.2.

Table **Swelling Setback**		
Setback From:	Dwelling Type	
	Single-Family and Two Family	Townhouses
External road rights-of-way	100 feet	300 feet
Other tract boundaries	50 feet	200 feet
Crop land or pasture land	100 feet	
Buildings or barnyards housing livestock	300 feet	

3. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Borough Subdivision and Land Development Ordinance.

4. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

F. Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

1. Uses Permitted on Conservation Open Space -The following uses are permitted in conservation open space areas:

   (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

   (b) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

   (c) Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.

   (d) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

   (e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Borough.

(f) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.

(g) Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf Their parking areas and any associated structures shall not be included within the minimum conservation open space requirement; their parking and access ways may be paved and lighted.

(h) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.

(i) Easements for drainage, access, sewer or water lines, or other public purposes.

(j) Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.

2. Conservation Open Space Design Standards

(a) Conservation Areas - Conservation open space shall be laid out in general accordance with the Borough's related resource mapping to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise those areas listed in Section D.4, as being subtracted from the total parcel acreage to produce the Adjusted Tract Acreage. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in the Borough Subdivision and Land Development Ordinance.

(b) In Option 1 - Basic Conservation and Option 2 -Greater Conservation subdivisions, the conservation open space shall generally remain undivided and maybe owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. The amount of land available for the common use and passive enjoyment of the subdivision residents shall be provided in accord with the Borough Subdivision and Land Development Ordinance. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.

(c) Dedication Requirement - See the open space and recreation fee provisions in the Subdivision and Land Development Ordinance which may require public land dedication (typically to provide potential connections with the Borough long-range trail network).

(d) Buffers for Adjacent Public Park Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with such public land, within which no new structures shall be constructed. Where this buffer is unwooded, the Borough may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through *no-mow* policies and the periodic removal of invasive alien plant and tree species.

3. Other Requirements

(a) No portion of any building lot may be used for meeting the minimum required conservation open space. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required conservation open space.

(b) Pedestrian and maintenance access, excluding to those lands used for permitted agricultural or horticultural purposes, shall be provided to conservation open space in accordance with the following requirements:

I. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.

II. Access to conservation open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

(c) All conservation open space areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Borough Subdivision and Land Development Ordinance.

G. Permanent Conservation Open Space Protection Through Conservation Easements In Option 1, 2, and 3 subdivisions, the conservation open space that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Borough. Uses permitted in conservation open space are listed in Section E.

H. Ownership and Maintenance of Conservation Open Space and Common Facilities

ARTICLE 5
Supplementary Regulations

Section 5.1 – Requirements for All Uses

A. Application of District Regulations.

1. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.

2. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.

3. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.

4. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.

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

6. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

B. Buffers and Setbacks Across Municipal Boundaries.

If a lot, use, or structure extends across municipal boundaries, the buffer yard and setback requirements of this Ordinance shall still apply.

C. Annexed Territory.

All territory which may hereafter be annexed by the Borough shall be automatically included in the district which most nearly corresponds to the zoning classification of the land at the time of annexation, unless otherwise specified in the ordinance of annexation.

Section 5.2 – Deviations from Dimensional Requirements

A. Lot Size Reduction.

No lot shall be reduced in size or otherwise altered so that any nonconformity with this Ordinance or any other applicable ordinances shall be created. This Section, however, shall not prohibit lot size reductions when such reduction is the result of conveying a portion of a lot to a government, government agency, or public utility for public purposes in an easement or a taking.

B. Permitted Encroachments in Required Yard Areas.

The following encroachments are permitted in required yard areas, provided that they do not cause the maximum impervious surface area or lot coverage to be exceeded beyond what is permitted for a lot in the underlying zoning district or are required by law for the purpose of public safety:

1. Light fixtures, other than lighting poles for recreational uses;

2. Sidewalks or walkways on grade;

3. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure or when required by law;

4. Handrails along sidewalk or walkway steps;

5. Access drives;

6. Parking spaces for dwellings having three (3) or fewer dwelling units or for uses and/or districts otherwise exempted by this Ordinance;

7. Roof overhangs, egress window wells and doors, HVAC equipment, and emergency power generators, up to a maximum dimension of two (2) feet measured horizontally;

8. Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations specified in Subsection C;

9. Vegetation, including trees, landscaping, and vegetative buffering, provided that a clear sight triangle is maintained at intersections of public rights-of-way and/or public rights-of-way with private driveways;

10. Landscaping materials, excluding patios, decks, and porches not otherwise exempted by this Ordinance;

11. Outdoor seating areas permitted under the provisions of Section 5.15;

12. Awnings and canopies specifically permitted under the provisions of this Ordinance;

13. Decorative lawn ornaments and walls not exceeding 32 inches in height;

14. Bird feeders;

15. Stormwater management facilities not designed to retain a permanent standing pool of water;

16. Traffic control devices required by a government or government agency;

17. Structures required for maintaining the safe passage of vehicular or pedestrian traffic;

18. Utility structures not exceeding seven (7) feet in height, including emergency call stations, other than wireless communication facilities;

19. Railroad sidings;

20. Public transit stops involving surface improvements and shelters;

21. Containers for the collection by municipal authorities of residential solid waste, recyclables, or compost;

22. Functional rain barrels holding less than 65 gallons that are connected to a roof downspout system of a building or structure; and

23. Public bicycle racks, benches, planters, and similar public street furniture.

C. Maximum Height Exceptions.

1. The following structures, when erected with a principal or accessory building roof, may exceed the permitted height of the associated building by 50%, provided that in no situation shall structures associated with buildings of 100 feet in height or taller extend 25 feet vertically beyond the roof of the associated building:

   (a) Chimneys;

   (b) Spires;

   (c) Belfries, steeples, minarets, and other similar structures associated with places of worship/assembly;

   (d) Cupolas and domes;

   (e) Silos associated with agricultural uses;

   (f) Flagpoles;

   (g) Utility poles, masts, and towers;

   (h) Antennas, other than satellite antennas and antennas associated with wireless communication facilities;

   (i) Skylights;

(j) Tanks; and

(k) Penthouses for housing mechanical equipment.

2. The following freestanding structures are permitted to exceed the maximum height limitations specified in this Ordinance:

(a) Utility poles, masts, and towers associated with a public utility under the jurisdiction of the Pennsylvania Public Utility Commission, when found by the Zoning Hearing Board to not adversely affect public health, safety, and welfare or the use and value of adjacent lots and when the applicant can demonstrate a public need for such structures that cannot be accommodated if the structures were not constructed to exceed the maximum height limitations of the underlying zoning district; and

(b) Flagpoles of the display of official government flags of the United States and its political subdivisions, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district by greater than 25 feet.

Section 5.3 – Stormwater Management

See Section 609 of the Borough's Subdivision and Land Development Ordinance.

Section 5.4 – Grading and Erosion Control

See Section 610 of the Borough's Subdivision and Land Development Ordinance.

Section 5.5 – Slope Control

Reserved.

Section 5.6 – Buffer Areas and Screening

A. Applicability.

1. Nonresidential Uses Abutting Residential Uses or Districts.

(a) When a nonresidential use is established which abuts a Residential District or a residential use, a landscaped buffer shall be established on the site of the nonresidential use immediately adjacent to and parallel to the residential use.

(b) The nature of the buffer area(s) permitted for the nonresidential use is specific to the zoning district of the use but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.

(c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.

2. Parking Lots Abutting Public Streets.

(a) When a parking lot containing five (5) or more parking spaces abuts a public street right-of-way, a landscaped buffer shall be established in the yard setback area between the parking lot and the public street.

(b) The nature of the buffer area(s) permitted is specific to the zoning district of the use associated with the parking lot but includes one or more of the buffer area classes established in Subsection B. When more than one buffer area class is listed for a zoning district, any of the listed alternatives may be provided to satisfy the buffer area requirement.

(c) When the width of a required buffer area is in conflict with the minimum yard requirements for the zoning district, the greater distance shall apply.

B. Buffer Area Classes.

The following classes of buffer areas are hereby established and made reference to throughout this Ordinance whenever a buffer area is specifically required:

1. Class A Buffer Area:

(a) The depth shall be dependent on the yard requirement for the zoning district but shall not be less than 25 feet.

(b) The buffer area shall consist of an earthen berm between three (3) feet and seven (7) feet high, with slopes not greater than three (3) feet horizontal to one (1) foot vertical.

(c) The buffer area shall include the following density of trees and shrubs located on the top or street side of such berm, per 100 linear feet of buffer area:

(1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and

(2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.

2. Class B Buffer Area:

(a) The depth shall be dependent on the yard requirement for the zoning district but shall not be less than 15 feet.

(b) The buffer area shall include the following density of trees and shrubs, per 100 linear feet of buffer area:

(1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and

(2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.

3. Class C Buffer Area:

(a) The depth shall be dependent on the yard requirement of the zoning district but shall not be less than five (5) feet.

(b) The buffer area shall the following density of trees and shrubs, per 100 linear feet of buffer area:

(1) At least four (4) deciduous shade trees or at least 10 evergreen trees, or some fractional combination of both; and

(2) At least 10 evergreen shrubs or at least 25 deciduous shrubs, or some fractional combination of both.

(c) In lieu of a buffer area with trees, an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8 and/or a decorative or retaining wall of up to four (4) feet in height may be utilized together with the shrub requirements found in Subsection (b), if authorized by the Dalton Borough Council upon recommendation by the Planning Commission.

4. Class D Buffer Area:

(a) This buffer area class shall apply to situations in which the minimum yard requirement of the zoning district is less than five (5) feet, if applicable.

(b) The buffer area shall include an opaque or ornamental fence meeting the dimensional, material, and transparency requirements of Section 5.8.

(c) If 20 or more parking spaces face the buffer area, a continuous row of evergreen shrubs shall be planted alongside the fence to provide a year-round visual screen capable of acting as a barrier to light beams emanating from the headlights of motor vehicles.

C. Buffer Area Planting Requirements.

1. All plantings within buffer areas shall be adhere to the following measurements at the time of installation:

(a) Deciduous shade trees shall have a minimum trunk diameter of two (2) inches, as measured six (6) inches above the root collar.

(b) Evergreen trees shall be at least six (6) feet tall.

(c) Shrubs shall be at least two (2) feet in height.

2. Trees, shrubs, and groundcovers shall be planted in accordance with accepted conservation practices.

D. Existing Trees in Buffer Areas.

1. Where trees of a minimum of two (2) inches in trunk diameter measured six (6) inches about the root collar already exist within a required buffer area, such trees shall remain undisturbed, except that diseased or dead material may be removed.

2. Healthy existing trees retained within a buffer area may be credited toward buffer area requirements when such trees are shown on approved plans and are adequately protected during construction.

E. Maintenance and Protection of Buffer Areas.

1. All required landscape buffer areas, including plantings and fences, shall be protected from encroachment by motor vehicles by installation of curbs, wheel stops, or other features separating the buffer area from the areas improved for vehicle parking or circulation.

2. It shall be the continuing responsibility of the landowner or lessee to assure the continued growth of all required landscaping and/or to replace diseased or dead landscaping. Fences must also be continually maintained and replaced when damaged. Failure to replace required landscaping or fencing shall be a violation of this Ordinance and shall be subject to the enforcement provisions in Article 11 and in any other applicable ordinance.

Section 5.7 – Landscaping and Tree Preservation

A. Landscaping Requirements.

1. General Requirements.

(a) Required buffer areas shall be reserved solely for open space and landscaping. No proposed building addition, structure, parking area, or any other type of physical land improvement shall be located in a required buffer; provided, that driveways or roads may cross required buffers if necessary to provide access to the building site. Sidewalks, bikeways, and pedestrian paths may also be located within required buffers.

(b) Selected trees and shrubs shall not include invasive plants as determined by the Pennsylvania Department of Conservation and Natural Resources (DCNR).

(c) All landscaping, trees, and planting materials adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles. In addition, the tree or shrub shall be planted a minimum of three (3) feet from any curb.

(d) Plant materials with seasonal diversity should be selected and distributed throughout the site where possible.

(e) No tree, shrub, fence, wall or similar item shall be installed in the sight triangle of any corner, street intersection, or accessway intersecting a public right-of-way that would cause an obstruction to visibility.

2. Landscaping Plan Requirements.

   When a site or land development plan requires the installation of landscaping, a landscaping plan shall be submitted along with the site or land development plan, subject to the following requirements:

   (a) The location of all buffer yards and planting areas shall be graphically depicted.

   (b) The plan must graphically depict the distribution, mature height, and spread of all required plant materials.

   (c) The plan must show a table which identifies the required and proposed number of each plant species being provided for each type of buffer, screen, or other use. The table shall also identify the scientific and common name of each plant, the mature height and spread, and the symbol used for the plant.

3. Planting Standards.

   All landscape material planted shall meet or exceed the following standards at the time of planting:

   (a) All deciduous shade trees shall reach a height of at maturity of at least 30 feet with a spread of at least 30 feet and shall have a trunk diameter of at least two (2) inches at planting when measured six (6) inches above the ground. Deciduous shade trees are to be planted such that the majority of the canopy is located on the lot of the planting.

   (b) All evergreen trees shall reach a minimum height of 20 feet at maturity and shall be a minimum of six (6) feet tall at planting.

4. All understory trees shall reach a minimum height of 10 feet at maturity and shall have a trunk diameter of 1.5 inches at planting. See the Borough's official plant list for a listing of permitted understory trees.

5. All deciduous or evergreen shrubs used for screening purposes shall reach a minimum height of five (5) feet at maturity and shall be at least three (3) feet tall at planting.

6. All deciduous or evergreen shrubs used for general or parking lot landscaping must be a minimum of two (2) gallons at planting.

7. Where plantings would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other factors, the following substitutions may be made:

   (a) Two (2) understory trees meeting the requirements of Subsection 4 above may be substituted for one (1) deciduous shade tree.

   (b) Two (2) evergreen trees may be substituted for one (1) deciduous shade tree.

   (c) One (1) deciduous shade tree may be substituted for five (5) shrubs.

8. Maintenance Requirements.

   (a) The owner or his agent shall be responsible for the maintenance, repair, and replacement of all landscaping materials and screening fences or walls to maintain conformance with landscaping requirements.

   (b) Any plant material that is 50% dead or more shall be considered dead and must be replaced.

   (c) Replacements shall be of the same size and type of plant as shown on the landscaping plan.

   (d) All landscaped areas shall be kept free of litter and trash.

B. Preservation of Existing Vegetation.

Preservation of existing trees or groves of three (3) or more trees with a trunk diameter (caliper) of at least four (4) inches when measured at breast height shall enable an applicant to obtain credit toward lot coverage requirements. For every additional tree beyond the three (3) trees preserved, the square footage of the critical root zone circumference of the grove of trees preserved may be used to determine credit toward impervious surface requirements, up to a 15% increase in additional impervious surface beyond the base requirement.

For instance, if a one (1) acre development (43,560 square feet) is located in a part of the Borough that permits a lot coverage of 30% impervious surface (13,068 square feet) and there are 50 trees of a four (4) inch caliper or greater, the following calculations would be performed to determine the minimum additional site area that may be impervious beyond the 30% base requirement:

Trunk diameter (caliper): 4 inches;

Critical root zone ratio: 1 inch of trunk diameter (caliper) for every 18 inches of critical root zone radius;

Critical root zone radius: 4 inches × 18 inches = 72 inches (6 feet);

Critical root zone (in square feet): 6 feet squared × π (pi) = 113 square feet;

Additional permitted impervious surface: 50 qualifying trees × 113 square feet = 5,655 square feet;

Total permitted impervious surface with credit: 13,068 square feet + 5,655 square feet = 18,723 square feet (43% impervious surface).

Note that this example development would not be able to go beyond 45% impervious surface even if there were a substantially higher number of qualifying trees preserved, as 45% is equivalent to 15% in additional impervious surface beyond the base 30% minimum requirement.

Section 5.8 – Fences and Walls

A. Fences in Residential Districts.

Fences erected on lots in Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel in a front yard shall be four (4) feet.

2. The maximum height of a fence panel in a side or rear yard shall be six (6) feet, except when abutting alleys, where the maximum height shall be four (4) feet.

3. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.

4. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.

5. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of Dalton Borough.

6. Chain link fences shall not be permitted in front yards.

7. Chain link fences may only be permitted in rear and side yards if the links, posts, and mounting fixtures are vinyl clad.

8. Stockade fences shall not be permitted in front yards.

9. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

B. Fences in All Other Districts.

Fences erected on lots in districts other than those classified as Residential Districts shall be subject to the following regulations:

1. The maximum height of a fence panel shall be ten (10) feet, except when the lot is located next to a Residential District or an alley, in which cases the maximum height shall be six (6) feet.

2. The bottom of a fence panel shall not extend more than four (4) inches above the surface or ground that supports the fence.

3. Fence posts shall not extend more than eight (8) inches from the top of the fence panels.

4. No fence shall be erected at such a location as to interfere with minimum sight distance specifications for street intersections and intersections of driveways and streets as established in the adopted subdivision and land development regulations of Dalton Borough.

5. Chain link fences may only be permitted in rear and side yards if the links, posts, and mounting fixtures are vinyl clad.

6. The Zoning Hearing Board may grant a special exception to erect fence panels on a lot in excess of the maximum height, if the applicant can demonstrate to the Zoning Hearing Board's satisfaction that due to topographical constraints or special needs related to the use of the lot in questions, fence panels of a greater height than normally prescribed are necessary. The Zoning Hearing Board shall also find that such fence panels exceeding the maximum permitted height will not have a significant negative impact on surrounding lots. The Zoning Hearing Board may attach reasonable conditions such as landscaping requirements or setback requirements when granting such a special exception.

C. Retaining Walls.

Retaining walls necessary to support the geotechnical needs of a lot shall be permitted.

Section 5.9 – Regulation of Nuisance Elements

A. Noise Control.

1. No person shall operate or cause to be operated on public or private property any source of continuous sound (any sound which is static, fluctuating, or intermittent with a recurrence greater than one (1) time in any 15-second interval) in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use group in the following table when measured at or within the property boundary of the receiving land use:

Sound Level Limits and Permitted Hours by Receiving Land Use Group		
Land Use Group(s) Receiving Noise	**Hours and Days**	**Maximum Permitted Sound Level (dBA)**
– Residential – Care-Related – Institutional – Conservation	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	62
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	52
– Commercial – Commercial	7:00 a.m. to 10:00 p.m., other than Sundays and legal holidays	67
	10:00 p.m. to 7:00 a.m., plus Sundays and legal holidays	62
– Industrial – Infrastructure	All times and days	70

2. The maximum permissible sound level limits set forth in Subsection A shall not apply to any of the following noise sources:

   (a) Uses falling under the Agricultural land use group;

   (b) The emission of sound for the purpose of alerting persons to the existence of an emergency;

   (c) Emergency work to provide electricity, water, or other public utilities when public health or safety are involved;

   (d) Domestic power tools, between the hours of 7:00 a.m. and 10:00 p.m.;

   (e) Construction, including necessary blasting and explosives between the hours of 7:00 a.m. and 10:00 p.m., and street and utility repair operations;

   (f) Motor vehicles traveling on public streets, except as otherwise specified by law;

   (g) Public celebrations specifically authorized by Dalton Borough;

   (h) Railroads and airplanes; and

   (i) The unamplified human voice.

B. Vibration Control.

No person shall operate or permit the operation of any device or conduct or permit any use to be conducted that creates vibration (detectable without instruments) above the vibration perception threshold of an average person on private property beyond the lot lines of the use generating the vibration or on public property (including the public right-of-way) 50 feet or greater beyond the lot lines of the use generating the vibration. This restriction shall not apply to occasional non-routine blasting that may be necessary during construction or demolition of structures, streets, or utilities.

C. Dust, Dirt, Smoke, Vapor, Gas, and Odor Control.

1. No person shall operate or permit the operation of any device or conduct or permit any use to be conducted which does not conform with the standards set by the Pennsylvania Department of Environmental Protection (DEP), the Air Pollution Control Act of January 8, 1960 (and all amendments thereto), or any other applicable federal or state law or agency.

2. No use shall generate odors, smoke, vapors, or gases above the odor perception threshold of an average person on private or public property beyond the lot lines of the use generating the odors.

3. No use shall generate dust, dirt, smoke, vapors, or gases at any point for longer than five minutes in any hour of a visible color or shade darker than No. 3 on the Ringelmann Smoke Chart as distributed by the U.S. Department of the Interior, Bureau of Mines.

Section 5.10 – Lighting and Glare

A. General Provisions.

1. All uses shall direct, deflect, and shield lights and control the intensity of lights and illuminated signs to avoid nuisances and to prevent glare onto other properties and streets. Lights shall not shine directly into the normal line of sight of motorists.

2. Low-voltage and light-emitting diode (LED) lighting systems are encouraged.

3. All outdoor lighting shall be designed, installed, located, and maintained so that nuisance glare onto adjacent lots or streets shall be minimized and all direct illumination kept within the boundaries of the lot.

4. Lights on motion sensors shall not be triggered by movement or activity that occurs off-property from where the light is located.

5. Lighting associated with any canopy structure shall be installed as internal illumination of the canopy only.

B. Lighting Zones.

The following lighting zones are hereby established for the zoning districts designated in Article 3, with the following maximum illumination provisions for each lighting zone:

Lighting Zone 1 **Zoning Districts:** RUR, R-1	
Provision	**Measurement**
Maximum illumination at lot lines	0.10 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	3 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1 foot-candle, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	5% of the lighting fixture's lumens

Lighting Zone 2 **Zoning Districts:** V, CI	
Provision	**Measurement**
Maximum illumination at lot lines	0.20 horizontal and vertical foot-candles, when measured three feet above ground
Maximum on-site illumination value	5 foot-candles, when measured three feet above ground
Maximum average on-site illumination	1.5 foot-candles, when measured three feet above ground
Maximum proportion of illumination at a 90-degree angle or greater from nadir	10% of the lighting fixture's lumens

Section 5.11 – Outdoor Storage

A. Outdoor Storage of Materials.

All outdoor storage of fuel, raw materials, and products, except for finished products for retail sale to the public for a commercial or industrial use in any Mixed Use, Commercial, or Industrial district shall be completely screened from view from any public right-of-way and any residential use or Residential District by a sight-obscuring evergreen planting, fence, or wall at least six (6) feet in height.

B. Outdoor Storage of Garbage.

1. All organic refuse or garbage stored outdoors shall be placed in watertight, vermin-proof containers, with the lid kept in place at all times.

2. All trash dumpsters, compactors, and other refuse storage containers, other than those for single-family or two-family dwellings and other curbside collection, must be completely screened from view on all sides. Solid waste collection and storage areas shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slats. The fence or wall shall include a self-latching door or gate.

3. The screening to be installed must be sight-obscuring and shall be installed to at least the height of the dumpster, compactor, or refuse storage container. The permitted screening materials are as follows: solid weather-resistant wood fencing, fencing of a similar appearance (including, but not limited to, vinyl vertical planks) or chain link fencing with privacy slat, decorative masonry walls, or evergreen plantings in combination with deciduous shrubs. Plants installed for screening are required to be the height of the dumpster, compactor, or refuse storage container at the time of planting. Dumpsters, compactors, and refuse storage containers other than those for

single-family or two-family dwellings and other curbside collection shall not be permitted in the front yard of any property and shall not be located closer than 25 feet to any front yard property line.

4. The locations of all dumpsters, other than those for single-family or two-family dwellings and other curbside collection, shall be shown on all site plans and land development plans.

C. Outdoor Storage of Trailer, Mobile Homes, and Recreational Vehicles.

1. The parking and storage of trailers, mobile homes, motor homes, campers, and recreational vehicles shall be prohibited within the right-of-way of any public street.

2. At no time shall such parked or stored vehicle be occupied or used as a dwelling.

3. Trailers, mobile homes, motor homes, campers, and recreational vehicles shall be parked entirely behind the front face of the principal building, unless completely screened from view by a sight-obscuring evergreen planting, fence, wall, or gate.

Section 5.12 – Sewage Disposal

A. A sewage permit shall be a prerequisite to the issuance of a building permit.

B. Mobile Homes.

1. Mobile home parks, where such use is permitted, shall be served by a public sewer system.

2. Individual mobile homes not located in a mobile home park and not located in an area with an available public sewer system may be served by an on-lot sewage disposal system, provided such system meets the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.

C. On-Lot Sewage Disposal.

On-lot sewage disposal shall not be permitted for new uses on lots of less than 0.5 acres, unless otherwise permitted by this Ordinance. Any on-lot system proposed shall meet the regulations of the Pennsylvania Department of Environmental Protection (DEP) found in Title 25, Chapter 73 of the Pennsylvania Code.

Section 5.13 – Accessory Structures

A. Accessory uses, buildings, and structures are permitted only in conjunction with an established principal use and must be located on the same lot as said principal use.

B. No structure accessory to a nonresidential use, other than signs and lighting fixtures, shall be located in the front yard setback.

C. Setbacks for accessory structures shall comply with the requirements specified in each zoning district, unless otherwise regulated in this Ordinance.

D. No object exceeding a height of three (3) feet, unless otherwise permitted by this Ordinance, shall be temporarily or permanently placed, erected, installed, or parked within the clear sight triangle required at the intersection of streets or the intersection of a driveway or private lane with a public street.

E. Specific types of accessory structures named in this Ordinance shall be regulated by applicable sections in this Ordinance governing such accessory structures. It is the responsibility of the landowner to abide by any provisions for such structures as may be found in this Ordinance or any other ordinances of the Borough.

Section 5.14 – Keeping of Household Animals Other than Pets

A. General Provisions.

1. The keeping of household animals for private, noncommercial use and enjoyment may be permitted in Agricultural/Conservation/Recreational and Residential districts wherever it is demonstrated that the dimensional and density provisions in this Section can be met.

2. No animals shall be allowed to stray so as to create any health or safety hazards. Animals shall be maintained as to be free from objectionable behavior. Noise shall not exceed the maximum permitted levels found in Section 5.9, Subsection A.

3. All animal structures and roaming areas shall be maintained as to comply with the odor standards found in Section 5.9, Subsection C. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties, contaminating any stream, or otherwise having an adverse impact on the human and natural environment.

4. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with Section 5.8.

5. All animals shall be properly immunized.

6. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean and well-maintained and to avoid attracting vermin.

7. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Title 3, Chapter 23, Section 2352 of the Pennsylvania Code. Dead animals shall be disposed of within 48 hours after death.

8. Permitting Process.

   Applicants proposing the keeping of animals covered by this Section must submit an application to the Zoning Officer identifying the following:

(a) A zoning permit application fee payable to the Borough in the amount of $25.00 (this amount may be amended by resolution adopted by the Dalton Borough Council);

(b) Property address, name, and contact information of the applicant;

(c) Description of the proposed animals and activities on the property;

(d) Location, area, and height of the proposed shelter/enclosures;

(e) Distance between the proposed shelters/enclosures and neighboring lots; and

(f) Verification that the applicant is familiar with the requirements set forth in this Section.

B. Chickens, Ducks, and Rabbits.

1. Up to six (6) chickens, ducks, or rabbits can be raised or kept on lots measuring 3,000 square feet or greater in size. For every additional 1,000 square feet of lot size, the household is permitted one (1) additional chicken, duck, or rabbit.

2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:

(a) All shelters shall have a roof and at least three (3) enclosed sides.

(b) Shelters must be located not less than 20 feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.

(c) Shelters shall provide a minimum of eight (8) square feet per animal.

3. The keeping of roosters shall be prohibited.

C. Miniature Goats.

1. Up to two (2) dehorned, adult female or neutered male goats can be raised or kept on lots measuring 10,000 square feet or greater in size. For every additional 5,000 square feet of lot size, the resident is permitted one (1) additional dehorned, adult female or neutered male goat.

2. A sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage shall be in accordance with the following minimum requirements:

(a) All shelters shall have a roof and at least three (3) enclosed sides.

(b) Shelters must be located not less than 30 feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.

(c) Shelters shall provide a minimum of 20 square feet per animal.

D. European Honeybees.

1. Colonies shall be maintained in moveable frame hives, with hives being no closer than 25 feet to any property line and at least 50 feet from any dwelling located on an adjacent property.

2. All hives shall have access to an on-site water supply, whether it be a water-filled tank or natural water sources located on the property.

3. Swarm management techniques shall be employed to maintain gentle colonies.

4. Beekeeping practices must be consistent with the Pennsylvania Apiary Advisory Board's "Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania."

5. All hives shall have a solid fence or vegetative obstruction six (6) feet or more in height or be elevated so as to direct the flight path of the bees well above traffic and pedestrians.

6. Any beekeeper shall provide documentation that they are in compliance with Pennsylvania's Bee Law, 3 Pa.C.S.A. §§ 2101-2117, which requires the owner of an apiary located in Pennsylvania to register the apiary with the Pennsylvania Department of Agriculture.

7. Ownership, care, and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot or the individual listed on the state registration form.

E. Other Animals.

1. Animals other than chickens, ducks, rabbits, miniature goats, or European honeybees that do not meet the definition of a household pet may only be kept on lots greater than three (3) acres in size.

2. The total number of additional animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half (0.5) acre is required for each additional sheep.

Additional Required Lot Area for Additional Animals	
Equine	2.0 acres
Bovine	2.0 acres
Swine	1.5 acres
Sheep	0.5 acres
Poultry and fowl other than chickens and ducks (such as but not limited to geese, turkeys, ostriches, and pea fowl)	0.1 acres

3. Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

Section 5.15 – Outdoor Seating Areas

Outdoor seating areas may be proposed for restaurants, bars or taverns, and brewpubs subject to the following provisions:

A. A clear pedestrian passageway of five (5) feet or greater shall be maintained. Street furniture, such as light poles, kiosks, mailboxes, tree pits, planters, public benches, and fire hydrants, shall not be located in the clear pedestrian passageway.

B. No part of the outdoor seating area, including canopy umbrellas, planters, barriers, signage, and freestanding menu displays, shall extend into the required clear pedestrian passageway or into/over the street.

C. A mobile freestanding menu display may be placed at the edge of the outdoor seating area in lieu of a sandwich board sign (as defined in this Ordinance and provided for in Article 8) but not both.

D. Outdoor seating areas that extend three (3) feet or less into the public right-of-way or clear pedestrian passageway and that do not include the service of alcohol are not required to be enclosed by a barrier. Otherwise, a barrier between three (3) and four (4) feet in height is required to be erected between the clear pedestrian passageway and the outdoor seating area. Such barrier, which may consist of planters or fencing, shall be at least 60% opaque.

E. Chairs and tables shall be weather-resistant to sun, rain, and wind and must be freestanding.

F. Canopy umbrellas shall be between seven (7) and ten (10) feet in height.

G. Outdoor seating areas shall be subject to any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.

H. No outdoor seating area shall be located closer than 100 feet from a Residential District.

Section 5.16 – Short-Term Rentals

A. The dwelling associated with a short-term rental must be the permanent address of the owner, and the owner must occupy the dwelling for at least six (6) months of the calendar year.

B. All activity at the short-term rental shall be subject to enforcement of any noise, nuisance, and property maintenance ordinances as well such related provisions found in this Article.

C. If a house guest is convicted for any disturbance of the peace on the premises, the owner of the dwelling shall not be permitted to continue the use of the dwelling as a short-term rental.

Section 5.17 – Solar Energy Systems

A. Intent.

It is the intent of this Section to promote the safe, effective, and efficient use of installed solar energy systems that reduce on-site consumption and demand of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and lots. This Section seeks to:

1. Provide property owners and businessowners/operators with flexibility in satisfying their energy needs;

2. Reduce overall energy demands within the community and to promote energy efficiency; and

3. Integrate alternative energy systems seamlessly into the community's neighborhoods and landscapes without diminishing the quality of life of the community.

B. Applicability.

1. This Section applies to building-mounted and ground-mounted solar energy systems installed and constructed after the effective date of this Ordinance.

2. Solar energy systems constructed prior to the effective date of this Ordinance are not required to meet the requirements of this Section.

3. Any upgrade, modification, or structural change that materially alters the size and placement of an existing solar energy system shall comply with the provisions of this Section.

4. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.

5. This Section does not apply to principal solar energy systems (PSES), as defined in this Ordinance.

C. Location on a Property.

1. Building-mounted solar energy systems are permitted to face any front, rear, or side yard as defined in this Ordinance. Such systems may only be mounted on lawfully permitted principal and accessory buildings.

2. Ground-mounted solar energy systems are permitted based on the requirements for accessory uses and structures in the property's zoning district.

D. Design and Installation Standards.

1. Solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, as administered by the Pennsylvania Department of Labor and Industry (DLI).

2. All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. For ground-mounted solar energy systems, all exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.

E. Dimensional Requirements.

1. Setback Requirements for Ground-Mounted Solar Energy Systems.

   Ground-mounted solar energy systems are subject to the accessory use setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the lot line to the nearest part of the system. No part of a ground-mounted solar energy system shall extend into the required setbacks, including in the case of tracking systems or other adjustments of related equipment or parts.

2. Height Requirements.

   Notwithstanding the height limitations of the underlying zoning district:

   (a) For a building-mounted solar energy system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

   (b) For a building-mounted solar energy system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed, with a maximum distance, as measured perpendicular to the roof, of 18 inches between the roof and the highest edge of or surface of the system.

   (c) For a building-mounted solar energy system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

   (d) Ground-mounted solar energy systems may not exceed the permitted height of accessory structures in the zoning district where the system is to be installed.

F. Screening and Visibility.

1. Building-mounted solar energy systems installed on a sloped roof shall not be required to be screened.

2. Building-mounted solar energy systems mounted on a flat roof shall not visible from the public right-of-way within a 50-foot radius of the lot, exclusive of an alley, at a level of five (5) feet from the ground. Such systems shall be screened in a similar manner as other rooftop HVAC and mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the edge of the roof.

G. Impervious Lot Coverage Restrictions.

The surface area of any ground-mounted solar energy system, regardless of the mounted angle of any portion of the system, shall be considered an impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. However, if the ground-mounted solar energy system is mounted above an existing impervious surface, it shall not be calculated as part of the lot coverage limitations for the zoning district.

H. Nonconformance.

1. Building-Mounted Solar Energy Systems.

(a) If a building-mounted solar energy system is to be installed on any building or structure that is nonconforming because its height exceeds the maximum height limitations of the zoning district in which it is located, the building-mounted system shall be permitted so long as the system does not extend above the highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Section.

(b) If a building-mounted solar energy system is to be installed on a building or structure on a nonconforming lot that does not meet the setback requirements or exceeds the lot coverage limits for the zoning district in which it is located, the building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage nonconformity and so long as it complies with the other provisions of this Section.

2. Ground-Mounted Solar Energy Systems.

(a) If a ground-mounted solar energy system is to be installed on a lot containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the required setback for the lot.

(b) If a ground-mounted solar energy system is to be installed on a lot that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation following the procedures found in Article 10.

I. Signage and/or Graphical Content.

No signage or graphical content may be displayed on the solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.

J. Performance Requirements.

All solar energy systems are subject to compliance with any applicable performance standards found elsewhere in this Ordinance.

K. Permit Requirements.

Before any construction or installation of any solar energy system shall commence, a permit issued by the Zoning Officer shall be obtained to document compliance with this Section.

L. Inspection, Safety, and Removal.

1. Dalton Borough reserves the right to inspect a solar energy system for fire or building code compliance and safety.

2. If upon inspection, the Borough determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Borough may order the property owner to repair or remove the system within a reasonable timeframe. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.

3. If the property owner fails to repair or remove a solar energy system as ordered and any appeal rights have been exhausted, the Borough may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.

4. In addition to any other available remedies, any unpaid costs resulting from the Borough's removal of a vacated, abandoned, or decommissioned solar energy system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Borough shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs incurred by the Borough in connection with the removal work and filing of the municipal claim.

Section 5.18 – Swimming Pools

A. All outdoor swimming pools and impoundments of water 18 inches in depth or greater with a surface area of 72 square feet or greater shall be properly fenced so as to not become a hazard to any person. The top of such fence or wall shall be at least five (5) feet above the ground. No opening in the fence or wall shall be larger than two (2) inches in width, and all gates shall close with self-catching latches.

B. Swimming pools shall be designed and constructed to the applicable standards of the Pennsylvania Uniform Construction Code (UCC).

C. No outdoor swimming pool may be located in any front or side yard setback area. If located in the rear yard setback area, no part of the pool shall be located within ten (10) feet of the rear lot line.

Section 5.19 – Temporary Uses, Buildings, and Structures

A. Temporary Construction Buildings or Trailers.

The parking of construction vehicles and temporary construction offices on a site that is necessary for construction that is actively underway on the same lot is permitted by right, provided that such vehicles or offices shall be removed immediately once the construction they relate to is completed or suspended.

B. Temporary Real Estate Sales Offices.

A temporary real estate sales office may be established within a dwelling unit not occupied for residential purposes in a residential development having more than 10 dwelling units, if the real estate sales office is used only to market the real estate offered within the development. A temporary real estate office shall be removed within 14 days of the sale or lease of the last property in the development.

C. Tents and Membrane Structures.

1. In addition to the special exception procedure provided for in this Ordinance, the Zoning Officer may allow the temporary erection of a tent, membrane, or similar temporary structure that is not totally enclosed for a maximum of seven (7) consecutive days in any four (4) month period for clearly routine customary accessory uses such as a wedding in the rear yard of a dwelling, a festival by a place of worship, or a special sale within the lot of a lawful commercial use.

2. The Zoning Officer may allow the temporary erection of a tent, membrane structure, or similar temporary structure for a period of up to a maximum of 180 days in any given calendar year, for clearly routine customary accessory uses.

3. All tents, membrane structures, or similar temporary structures to be erected for a total of more than seven (7) consecutive days shall require the submission of a site plan and an application for a zoning permit. The fee shall be established by resolution of the Dalton Borough Council.

D. Food Trucks and Food Carts.

A permitted accessory use on lots of more than 20,000 square feet may include the temporary use of a food and nonalcoholic beverage cart for on-site sales, provided that the following requirements are met:

1. The cart is used for a maximum period of four (4) consecutive days once in any six (6) month period.

2. The cart is removed within 48 hours after sales are complete.

3. The applicant submits a site plan showing that the cart will be well-located to avoid traffic conflicts.

E. Other Temporary Uses.

A temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses, other than those specifically listed in this Ordinance, subject to the following additional provisions:

1. Duration.

The Zoning Hearing Board shall establish a limit on the duration of the use. In most cases, a temporary approval should have a maximum term of no longer than two (2) years. In the case of a special event, except under special circumstances, this term should be a maximum of six (6) consecutive days in any sixty (60) day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

2. Fee.

Either the Zoning Hearing Board or the Dalton Borough Council may waive and/or return the required application fee if the applicant is a 501(c)(3) nonprofit corporation and if the applicant clearly shows that the proposed use is temporary and will be used to serve a charitable or public service purpose.

3. Special Events.

For a new special event (not including annual reoccurrences of a previously held event) that will attract significant numbers of the public, the Zoning Hearing Board shall deny the use if it determines that the following will not be generally appropriate for the provision of the temporary use: sanitary and water service, traffic control, off-street parking, and protection of public health, safety, and welfare.

Section 5.20 – Wind Energy Systems

A. Only one wind energy system shall be permitted as an accessory structure on any lot.

B. The lowest part of the rotor blade must be a minimum of 30 feet higher than the surrounding structures and/or obstructions.

C. Setbacks from all lot lines, utility lines, and structures shall be 1.5 times the total height of the wind energy system.

D. Permitting Requirements.

In addition to a zoning permit, applications to construct a wind energy conversion system shall be accompanied by a plot plan package that includes the following:

1. Property lines and physical dimensions of the lot;

2. Location of the wind energy system tower on the lot;

3. Location, dimensions, and types of existing principal and accessory structures on the lot;

4. The right-of-way delineation of public streets adjacent to the lot;

5. The presence of any overhead utility lines;

6. Any easements;

7. A map of the 200-foot area surrounding the slot showing all affected lands and structures at a legible scale;

8. Specifications of the wind energy system, including manufacturer and model, rotor diameter, tower height, and tower type (e.g., freestanding or guyed);

9. Standard installation drawings shall be submitted showing the wind turbine structure, including the tower, the base, and the footings, stamped, and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania;

10. An engineering analysis of the tower showing compliance with the Uniform Construction Code and certified by a licensed professional engineer;

11. A site-specific wind resource assessment by a qualified professional; and

12. Drawings, plans, and/or narratives demonstrating that the wind energy conservation system is equipped with manual braking and meets all building and electrical codes.

E. When an application is made for approval of a wind energy system, all property owners within 200 feet of the lot on which the system is to be constructed shall be notified in written form.

F. The applicant shall comply with all applicable regulations of the Pennsylvania Public Utility Commission (PUC) governing generation of electricity for private use and shall provide evidence that he or she has notified the incumbent utility provider of his or her desire to install an interconnected wind energy system.

G. Artificial lighting is not permitted, whether directly or indirectly, except as required by the Federal Aviation Administration.

H. The owner/operator shall make all reasonable efforts to minimize and/or eliminate shadow flicker to occupied buildings on immediately adjacent properties. The applicant is responsible for identifying problem areas where shadow flicker will interfere with existing or future residences and to described proposed mitigation measures when called upon, including but not limited to, a change in siting of the wind energy system, a change in the operation of the wind energy system, or grading or landscaping mitigation measures.

I. Noise levels for the wind energy system shall not exceed the permitted decibel levels for the underlying zoning district prescribed in Section 5.9.

J. The wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the owner shall correct the problem within 90 days of being notified of the problem.

K. The wind energy system shall maintain a galvanized neutral finish or be painted to conform to the surrounding environment to minimize adverse effects.

L. The wind energy system shall have an automatic overspeed control to render the system interoperable when winds are blowing in excess of the speeds for which the system is designed, and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

M. All ground-mounted electrical and control equipment shall be labelled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, rungs, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground elevation. Safety fencing is required if the wind energy system has climbing features below 12 feet.

N. All electrical wires associated with a wind energy system shall be located underground when practicable. All wires not located underground, including but not limited to wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be contained within an appropriate conduit suitable for the same.

O. A wind energy system is considered abandoned if it is inoperable or unsafe or unattended for a period of 12 months. Non-function or lack of operation may be proven by reports from the interconnected incumbent utility provider. Wind energy systems must be immediately removed at the expense of the property owner if deemed abandoned.

P. Wind energy systems cannot be used to support signage, satellite dishes, or antennas.

Section 5.21 – Wireless Communication Facilities

A. Purposes.

The purposes of this Section include a desire to establish reliable standards for the siting, design, permitting, construction, operation, inspection, maintenance, repair, modification, removal, and replacement of wireless communication facilities (WCFs) in Dalton Borough, in recognition of the federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); the federal Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) Pub. L. No. 112-96, 126 Stat. 156 (2012), and FCC regulations promulgated thereunder by the Federal Communications Commission (FCC), including the FCC's Report and Order of October 21, 2014, FCC 14-153 (rel. Oct. 21, 2014); and the Pennsylvania Wireless Broadband Collocation Act (Act 191 of 2012), 53 P.S. § 11702.1 et seq. Moreover, the Borough desires to plan and accommodate for the managed deployment of infrastructure that is necessary to accommodate the wireless communication needs of the Borough's residents, businesses, and emergency service providers. While the Borough recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents, businesses and emergency service providers, the Borough also recognizes that it has an obligation to protect public safety through the standards set forth in the following provisions.

B. Zoning District Regulations.

1. Tower-based WCFs are permitted on all municipally owned property regardless of zoning district. Otherwise, the use provisions of Section 3.4 shall apply.

2. Non-tower WCFs are permitted by right subject to application requirements stated herein in all districts, except that no non-tower WCF shall be located, in any zoning district, on a single-family or two-family dwelling.

3. Eligible facilities requests that do not substantially change the tower, base station, or wireless support structure are permitted by right in all zoning districts.

C. Area and Bulk Requirements.

The following table shall reflect the height, lot size, setback, and locational requirements for tower-based and non-tower WCFs:

TOWER-BASED WCFs	**Outside of ROW**	**Within ROW**
Height	Shall be designed to minimum functional height but not to exceed 100 feet. Applicants must submit documentation justifying the total height. Equipment buildings, cabinets and accessory structures shall not exceed 15 feet in height.	Shall be designed to minimum functional height, not to exceed 55 feet in non-residential districts. Applicants must submit documentation justifying the total height.
Lot Size	Subject to underlying zoning district. Area needed to accommodate the WCF and guy wires (if approved), equipment building or cabinets, security fence, and buffer planting must not extend outside the lot.	Not applicable
Setback – Towers	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not applicable
etback – Equipment Buildings/Cabinets	Subject to applicable minimum building setback in the underlying zoning district.	Not applicable
Location	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not applicable

NON-TOWER WCFs	Outside of ROW	Within ROW
Height – On a Building or Similar Structure	Shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a variance.	Not applicable
Height – On Electrical Transmission Towers, Streetlights, Utility Poles, Traffic Signals, Signs, and Similar structures	Shall not exceed a height of 5 feet above the electrical transmission tower, streetlight, utility pole, traffic signal, sign and similar structure, unless the WCF applicant obtains a variance.	WCFs located above the surface grade shall consist of equipment components designed at the minimum functional height.
Setback – Mounted Antennas	Not applicable	Not applicable
Setback – Equipment Buildings/Cabinets	Shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not applicable
Lot Size	Subject to applicable minimum lot size in the underlying zoning district.	Not applicable
Setback – Towers	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.	Not applicable
Setback – Equipment Buildings/Cabinets	Subject to applicable minimum building setback in the underlying zoning district.	Not applicable
Location	Shall not be located between front façade of the principal structure and the street the lot fronts on, except for equipment cabinets located underground.	Not applicable

D. Permit Application Requirements.

1. Collocation Analysis.

An application for a new tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall not be approved unless the applicant demonstrates that the wireless communication equipment planned for the proposed

WCF cannot be collocated on an existing structure or building within a 0.25-mile radius of the proposed WCF location to achieve the coverage or capacity objectives of the applicant.

2. Gap in Coverage or Lack of Adequate Capacity.

   An applicant for a tower-based WCF more than 40 feet in height must demonstrate that a significant gap in wireless coverage exists or a lack of adequate capacity at the proposed location is likely to exist within one (1) year of the filing of its application.

3. Authorization.

   An applicant for a WCF shall submit a copy of the lease or other form of written authorization with the property owner confirming that the applicant has standing to file the application and to maintain the proposed WCF on the subject lot.

4. Licensing and Applicable Regulations.

   If the applicant is a commercial wireless communications provider, it must demonstrate that it is licensed by the Federal Communications Commission (FCC) and submit with its application copies of all FCC permits and licenses.

5. Emissions.

   The applicant shall demonstrate that the proposed WCF will comply with all applicable standards established by the FCC governing human exposure to electromagnetic emissions.

6. Insurance.

   The applicant shall provide a certificate of insurance issued to the owner/operators of the WCF, evidencing that there is or will be adequate current liability insurance in effect.

7. Application Fees.

   (a) The Borough may assess appropriate and reasonable permit application fees directly related to the actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the actual reasonable cost to review and process the application.

   (b) The Borough may assess to the applicant, in addition to application fees, appropriate and reasonable review fees directly related to the costs incurred by the Borough, including but not limited to professional/consultant fees to review the WCF application.

   (c) For special exception applications, the Borough's regular special exception application fees shall apply.

8. Review Timeframes.

   The following table prescribes the timeframes for Borough review of applications for WCFs:

	Borough shall notify the applicant in writing of any information that may be required to complete application:	**Borough shall approve or deny the application, unless a shorter time period is applicable under the PA MPC:**
Tower-Based WCFs	Within 30 calendar days of the date the application was filed with the Borough.	Within 150 days* of submission of a complete application for a WCF.
WCFs on Existing Structures	Within 30 calendar days of the date the application was filed with the Borough.	Within 90 days* of submission of a complete application for a WCF.
Eligible Facilities Requests (as defined)**	Within 30 calendar days of the date the application was filed with the Borough.	Within 60 days* of submission of a complete application for a WCF.

*The time period may be tolled by mutual agreement or in cases where the Borough informs the applicant in a timely manner that the application is incomplete. If an application is considered incomplete, the time period begins running again as soon as the applicant makes a supplemental submission, but may be tolled again if the Borough provides written notice to the applicant within 10 days that the application remains incomplete and specifically delineates which of the deficiencies specified in the original notice of incompleteness have not been addressed.

**The Borough shall only require the applicant to provide documentation that is reasonably related to determining whether the request is an Eligible Facility Request.

E. Design, Construction, and Operations.

1. All WCFs shall be sited, designed, constructed, operated, inspected maintained, repaired, modified, removed, and replaced in strict compliance with all current applicable federal and state technical and safety codes.

2. Subdivision plan approval shall not be required when a WCF is located on a leased parcel that is less than the entire lot or property.

3. All WCFs shall be operated in accordance with all applicable FCC rules regarding interference with public safety communications or the reception of broadband, television, radio or other communications services.

4. Collocation.

   All tower-based WCFs where the wireless communication tower will be more than 40 feet in height shall be designed to accommodate both the applicant's antennas and comparable antennas for future users. As a condition of approval for all tower-based WCFs where the tower will be more than 40 feet in height, the applicant shall agree to

allow other service providers to collocate antennas on the tower where technically and economically feasible.

5. Signage.

   (a) All WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in the event of an emergency and FCC registration number (if applicable). Such signage shall not include commercial advertising, shall not protrude from the tower or WCF, and is subject to approval by the Borough.

   (b) For tower-based WCFs outside of the right-of-way, the posted sign shall not exceed two (2) square feet in area.

   (c) For all other WCFs, the sign shall be limited to the maximum necessary size to provide the required information in a readable manner.

6. Lighting.

   WCFs shall not be artificially lighted beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect to surrounding properties as is permissible while still meeting state or federal requirements.

7. Noise.

   All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established in Section 5.9 of this Ordinance. The use of a backup generator is prohibited except that in emergency situations and for periodic maintenance and testing by the wireless communications provider's technicians, such use shall be permitted, where such noise standards may be exceeded on a temporary basis.

8. Vehicular Access.

   (a) An access driveway and one off-street parking space shall be provided to ensure adequate emergency and service access to all tower-based WCFs located outside of the right-of-way.

   (b) Maximum use of existing roads, whether public or private, shall be made to the extent practicable.

   (c) Where possible, access driveway construction shall at all times minimize ground disturbance and the cutting of vegetation.

   (d) Access driveway grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

   (e) An applicant shall present documentation to the Borough that the property owner has granted an access easement for the proposed WCF, if located on a lot or property.

(f) Any required access easement shall be a minimum of 20 feet in width and the access driveway shall be improved with a dust-free, all weather surface, including gravel, to a width of at least 10 feet throughout its entire length.

(g) Vehicular access to all WCFs shall not interfere with the parking or vehicular circulations for a principal use, if located on the lot or property. However, where appropriate and available, existing parking for the principal or other uses on the lot or property may be utilized.

9. Fencing.

A security fence, which may include barbed wire, with a minimum height of eight (8) feet may be required to surround any tower-based WCF located outside the right-of-way, where the wireless communication tower is more than 40 feet in height, including guy wires, associated equipment, and buildings. All or any of the requirements herein for a security fence may be waived by the Zoning Hearing Board when the fence would not be appropriate or feasible.

10. Safety in Rights-of-Way.

(a) Schedule of Operations.

The Borough shall determine the time, place, and manner of siting, design, construction, maintenance, repair, modification, removal, and/or replacement of all WCFs located in the right-of-way, based on public safety, traffic management, physical burden on the right-of-way, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the requirements of the Pennsylvania Public Utility Code or other applicable ordinances or laws.

(b) Alteration of a WCF.

Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF located in the right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable PUC regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under any one of the following circumstances:

(1) The construction, repair, maintenance or installation of any municipal or other public improvement located in the right-of-way;

(2) The operations of any governmental entity in the right-of-way;

(3) Vacating a street or the release of a utility easement; or

(4) An emergency as determined by the Borough.

No permit is required for such removal, relocation, change or alteration ordered by the Borough.

(c) Visual Obstruction.

All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, to create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the right-of-way as determined by the Borough. In no case shall ground-mounted equipment, walls, screening, or landscaping be located within 18 inches of the face of the curb or, in an area in which there are no curbs, within (3) feet of the edge of cartway.

11. Maintenance.

An applicant for a WCF shall describe anticipated maintenance needs, including frequency of service, personnel needs, and equipment needs, and the traffic, safety, and noise impacts of such maintenance.

12. Soil Report.

An applicant for a tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a soil report complying with the ANSI/EIA-222-G standards for geotechnical investigations to the Borough Engineer prior to construction to document and verify the design specifications of the foundation for the wireless support structure and anchors for the guy wires, if used.

13. Aviation Safety.

All WCFs shall comply with federal and state laws and regulations concerning aviation safety.

14. Inspections.

Inspections are required for all WCFs where the new wireless communication tower will be more than 40 feet in height. Copies of all inspection reports shall be provided to the Borough following the inspection. Any repairs advised by the report shall be completed by the WCF owner within 60 calendar days after the report is filed with the Borough.

15. Equipment Storage.

The storage of unused equipment or supplies is prohibited on any WCF site.

16. Historic Sites.

No WCF may be located on a building or structure that is listed on either the National Register of Historic Places, county or state lists, or any Borough-maintained historic resources inventory. This prohibition may be waived by the Zoning Hearing Board.

F. Visibility, Landscaping, and Screening.

1. Stealth Technology.

(a) All WCFs shall employ the most current stealth technology available, where appropriate, in an effort to appropriately blend the proposed WCF into the surrounding environment and minimize aesthetic impact. Equipment buildings and cabinets shall be designed to blend into the environment in which they are situated, to the extent practicable.

(b) In the case of a tower-based WCF, compliance with this Subsection may be evidenced by the following:

(1) The tower shall have a galvanized finish or be painted silver above the top of surrounding trees and green below treetop level.

(2) The tower shall comply with FAA and PennDOT Bureau of Aviation lighting standards and shall not be artificially lighted unless required by those agencies.

2. Landscaping and Screening.

An applicant for tower-based WCF where the new wireless communication tower will be more than 40 feet in height shall submit a landscaping and screening design complying with the following:

(a) The applicant shall ensure that the existing vegetation, trees, and shrubs located within close proximity of the WCF support structure shall be preserved to the maximum extent possible.

(b) Ground mounted equipment must be screened from public view using an evergreen screen, artificial screen, or fencing, as directed by the Borough. Where the site abuts a Residential district, public property, or street, a buffer area shall be provided along the perimeter abutting the affected district, property, or street to include at minimum two (2) staggered rows of evergreen trees a minimum of six (6) feet in height, which trees shall be replaced with trees of equivalent height when dead or damaged.

G. Replacement, Collocation, and Modification of Existing Wireless Support Structures.

1. Notwithstanding the requirements for all WCFs, as set forth herein, an application for replacement, collocation, or modification of a previously approved wireless support structure shall be reviewed for conformance with the Borough‘s building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that there is no substantial change to the structure.

2. Replacement of WCFs on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the Borough.

3. Any substantial change to an existing WCF shall require approval of the Borough in accordance with the terms of this Section.

H. Discontinuation, Abandonment, and Removal.

In the event that use of a WCF is planned to be discontinued, the owner/operator shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All unused or abandoned WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.

2. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough. The Borough's costs in connection with removal, including professional or consultant fees and the cost of removal work and site remediation, may be assessed against the owner of the WCF or the lot upon which the WCF was located.

I. Reimbursement for Use of the Right-of-Way.

In addition to permit application fees, every WCF in the right-of-way is subject to the Borough's right to impose annually a fair and reasonable fee to be paid for use and occupancy of the right-of-way. Such annual fee shall be directly related to the Borough's costs of owning, maintaining, and managing the right-of-way and to the loss of use to the Borough of that portion of the right-of-way consumed by the WCF.

J. Special Exception Criteria and Procedures.

An application for approval by special exception for any tower-based WCF shall, in addition to meeting other applicable requirements in this Ordinance, meet the following criteria:

1. The applicant shall provide to the Borough, prior to issuance of a zoning permit for construction, financial security to guarantee the removal of any tower-based WCF. Such financial security shall be in an amount determined by the Borough Engineer based upon industry standards for removal and shall be acceptable in form and content to the Borough Engineer.

2. No tower-based WCF shall be located or within 100 feet of an area in which all utilities are located underground.

3. The applicant shall provide a propagation study evidencing the need for the proposed WCF, a description of the type and manufacturer of the proposed transmission and receiving equipment, the frequency range assigned to the WCF applicant, the power in watts at which the WCF will transmit, and the results of any relevant tests conducted by the applicant to determine the need for the proposed WCF.

4. The applicant shall supply documentation demonstrating that the proposed WCF complies with all state and federal requirements regarding aviation safety.

5. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an appropriate lease or easement for the WCF and for access to the WCF.

6. The special exception procedures and criteria in Sections 6.3 and 10.4 shall apply and be satisfied by the applicant. In addition, the applicant shall, at his or her expense, mail written notice of the scheduled public hearing for the WCF to all owners of record of property located within 500 feet of the proposed WCF. Such notice shall be mailed at least 14 days prior to the scheduled public hearing, and the applicant shall provide a copy of such notice and proof of such mailing to the Borough prior to the hearing.

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ARTICLE 6

Specific Criteria, Conditional Uses, and Special Exceptions

Section 6.1 – Process for Uses Permitted by Right

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by right (notated with the letter 'P') shall comply with all applicable performance standards and supplementary regulations in this Ordinance. Applications for a zoning permit, a certificate of use and occupancy, and a building permit must be submitted to the Zoning Officer following the provisions and procedures found in Section 11.1.

Section 6.2 – Process for Conditional Uses

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific conditional use have been met.

B. Procedure.

1. An application form prescribed by the Borough shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Dalton Borough Council.

2. The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Borough. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:

(a) That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;

(b) That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;

(c) That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;

(d) That the proposed conditional use is in general conformity with the Scranton-Abingtons Planning Association Comprehensive Plan; and

(e) That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Dalton Borough Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

3. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.

4. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Borough approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Borough ordinance.

5. The Dalton Borough Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Scranton-Abingtons Planning Association Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).

6. Public Hearings.

(a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Dalton Borough Planning Commission. The Planning Commission and Borough Engineer shall be given an opportunity to provide written recommendation to Borough Elected Body concerning whether to approve, conditionally approve, or deny the application.

(b) A minimum of one (1) public hearing shall be held by the Borough Elected Body at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.

(c) Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted by the Borough at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

(d) If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.

(e) The Borough Elected Body shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.

(f) If the Borough Elected Body denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

C. Duration of Conditional Use Permit.

1. If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

2. If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Borough Elected Body, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

Section 6.3 – Process for Uses by Special Exception

A. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Section 3.4 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Section 6.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Section 6.4 for the specific use by special exception have been met.

B. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in Section 10.6 of this Ordinance.

C. Conditions for Approval.

1. In addition to the minimum conditions contained in Section 6.4 for each use by special exception, the use shall meet the following additional requirements:

(a) The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.

(b) The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.

(c) The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.

(d) The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Scranton-Abingtons Planning Association Comprehensive Plan.

(e) The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

2. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

Section 6.4 – Specific Regulations for Conditional Uses and Uses by Special Exception

Dalton Borough Conditions List

A. Agricultural processing, artisan

1. On lots less than five acres, the scale of activities and production shall be residentially oriented.

B. Animal hospital or veterinary clinic

1. Such uses and structures shall be located at least one hundred (100) feet from any lot line adjoining a residential use or zoning district and at least fifty (50) feet from any other lot line.

2. Animal holding areas shall be within an enclosed building.

3. If any adjacent property is or has been developed for any residential dwelling, the kennels/boarding area of said animal hospital/care facility shall be soundproofed to minimize noise impact on adjacent properties.

4. The facility shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and local/County Health Department shall be maintained.

5. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

6. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

7. No disposal of dead animals shall occur on the lot. Cremation shall only be permissible if lawful in accordance with other requirements of the Borough Code relating to such instances.

C. Bank or financial institution

8. The Borough shall require the landowner and/or developer to prepare and submit a traffic impact analysis of the proposed development.

9. The ground of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

10. Side and rear buffer areas shall be maintained in accordance with this Ordinance.

11. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to ensure that the traffic flow on public rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked as shall be a separate means of egress from the bank. Should any traffic congestion occur in the public right-of-way, it shall be the responsibility of the owner to direct traffic away from the facility by posting a "Temporarily Closed" sign or other means. The Borough may require any traffic studies and associated improvements as a condition of approval.

12. No drive-thru window, customer automated teller machine (ATM), or the like shall be permitted.

D. Building, contracting, or related business

1. No outdoor storage of materials shall be located within the front yard of the lot.

E. BYOB

1. Such use shall not fall under any category of Adult Business.

2. The hours of operation shall be limited to 12 p.m. to 2 a.m.

F. Camp or retreat

1. This use shall be connected to public sewer.

G. Car or truck wash

2. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

3. On-lot traffic circulation channels and parking areas shall be clearly marked.

4. Adequate provisions shall be made for the proper and convenient disposal of refuse.

5. Water used in the operation shall not flow into streets, sidewalks, separated storm sewers or waterways.

6. Any car wash that is located within 200 feet of an existing primarily residential, nursing home or hospital building shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

7. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

8. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles.

H. Cemetery

1. The landowner and/or developer shall provide a statement of guaranteed perpetual maintenance before approval is given.

2. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way.

3. Access drives shall be located to take maximum advantage of sight distances for motorists.

I. Commercial recreation facility, indoor

1. To protect the surrounding uses from detrimental noise, dust and other disturbances, screening and buffering of parking areas and outdoor common spaces equivalent to 120% of the base zoning standard must be provided along any respective lot line shared with a residential use.

2. If the parking area is adjacent to a residential use or any parking areas contain more than 10 automobiles, the following shall apply:

   a. An additional ten-foot setback for the respective lot line shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential development.

      i. One and one-half times the required number of plants for screening and buffering off-street parking and loading areas; or

      ii. A berm shall be installed along the parking area proposed adjacent to the lot line shared with the residential use, a minimum of 3.5 feet in height at its peak, and the sides do not exceed a four-foot horizontal to one-foot vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.

3. Any activity not included within a fully enclosed structure shall have hours of operation limited to 7:00 a.m. to 9:00 p.m. Monday through Saturday.

4. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.

J. Convenience Store

1. If gasoline/fuel and/or energy recharge units are provided, they shall be located to the side and or rear to the principal structure on the lot.

K. Country club

1. The ground surface of off-street parking and loading spaces shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.

2. An additional ten (10) feet of yard setback with landscape buffering a minimum of six (6) feet in height for off-street parking and loading areas shall be provided as to protect the surrounding neighborhood from in appropriate light and other disturbances as defined by this Ordinance.

3. A country club's hour of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.

4. The owner(s) and operator(s) of a country club shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.

5. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

6. The owner(s) and operator(s) of a country club shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

L. Craftsman-artisan workshop

1. Hours of operation shall be limited to 8 a.m. to 10 p.m.

2. Retail of products made on site shall be permitted as an accessory use.

M. Day care center, adult and child

1. The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local buildings and fire safety codes.

2. All drop-off and pick-ups associated with day care shall occur on the lot.

N. Day care home, family

1. The day care facility must hold an approved Pennsylvania Department of Public Welfare registration certificate or license, as appropriate, and meet all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local buildings and fire safety codes. All day care facilities shall be fully protected by smoke detectors and fire extinguishers.

2. Parking:

In addition to the particular district's parking requirements, there shall be one additional off-street parking space provided for each nonresident employee and one safe passenger unloading space measuring at least ten feet by twenty feet.

O. Dormitory

1. Residents shall be limited to students enrolled within the school or university.
2. The service of meals, if provided, shall be limited to faculty, staff, enrolled students and authorized visitors only.
3. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
4. Means of ingress and egress shall meet requirements as outlined in the Boroughs Building Code.
5. The primary entrance to the dormitory shall be from a public or private street.

P. Drug store/pharmacy

1. No drive-through window or the like shall be located in a front yard.
2. The drive-through shall have direct access to a public right-of-way.
3. A minimum of three stacking spaces shall be provided for each drive-through lane.
4. Stacking shall not interfere with the normal traffic flow within the lot nor shall it cause the stopping of vehicles on any public right-of-way.

Q. Dwelling: apartment building

1. Parking spaces shall be located no more than three hundred (300) feet from the apartment's primary entrance.
2. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
3. The means of a building's ingress and egress shall meet requirements as outlined in the Pennsylvania Uniform Construction Code.
4. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
5. The structure shall be limited to four (4) stories or a maximum of forty-five (45) feet in height.
6. All dumpsters and/or waste collection areas shall be located at least fifty (50) feet from nearest residential unit. Dumpsters shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
7. Maximum height of lighting for outdoor parking areas and roadways shall be twenty-five (25) feet.

8. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.

9. Buffer yards between an apartment development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the required buffer yard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the applicable Borough.

10. Slopes shall be graded at a maximum of a three (3) foot horizontal to one (1) foot vertical (3:1) ratio.

11. Said development shall be permitted on a corner lot unless adjacent to a residential district.

12. A traffic study may be required, at the expense of the Applicant, if deemed necessary by Council.

13. If the parking area for a development is adjacent to a single-family residential lot and demands greater than ten (10) automobiles, the following shall apply:

    b. An additional ten (10) foot buffer yard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.

    c. One and one-half (1½) times the required number of plants for screening and buffering off-street parking and loading areas; or

    d. A mound, a minimum of three and one-half (3½) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.

R. Dwelling: seasonal farm/agricultural worker

1. All structures shall be subject to Building Code inspections.

S. Dwelling: townhouse

1. Density shall not exceed eight (8) dwelling units per acre, with no more than six (6) dwelling units being permitted in a single building.

2. Driveway access shall be provided to a rear alley, unless the property to be developed contains no alley frontage.

T. Essential services

1. An ambient sound level study has been provided and the ambient sound level at all points along the boundary line of the property upon which the essential service is located shall be no more than 55 decibels (dbA).
2. All items used for essential service shall be stored within the essential service structure or a separate storage building. This restriction does not include items necessary for the operation of the plant which includes, but it not limited to, emergency generators, fuel tanks, drying beds, sedimentation basins, etc.
3. Odor control mitigation shall be implemented for sanitary sewer applications.
4. A land development plan shall be prepared in accordance with the Borough's Subdivision and Land Development Ordinance.
5. An elevation drawing of any structure to be constructed on the premises shall be provided.
6. A landscape buffer in accordance with this Ordinance shall be provided between any on-site buildings and the property line. The adjacent buffer is to screen on-site buildings from adjacent properties. A landscaping plan shall be submitted and approved by the Borough Council as a condition of its approval.
7. A minimum four-hundred-foot setback zone from all adjacent property lines shall be provided on the lot where a potable water well is located. The minimum four-hundred-foot setback zone shall be measured from the nearest well head to the adjacent property line. Parkland, state game lands and state forest may be included within the four-hundred-foot setback zone as a conditional use approved by the Borough Council. In the case of state- owned property, approval of the appropriate state agency shall be required.
8. An erosion and sediment control plan shall be prepared and approved.
9. A plan describing the method to be used to handle the water runoff from well pumping testing shall be submitted to the Borough for review. The Borough may engage the services of a consultant to review the plan and fees charged by said consultant for review shall be paid for by the applicant.
10. The Board may also consider placing limitations on signage, access, parking, lighting, and structure height.

U. Event barn/facility

1. The lot size shall be a minimum of five (5) acres.
2. If no public sanitary sewage is available on-site, holding tank(s) in accordance with PA DEP regulations shall be supplied.
3. 10pm-6am shall serve as quiet hours for said use and enforcement of the Borough's Noise Ordinance shall be applicable.
4. A structure used for an Event must be in compliance with the Pennsylvania Uniform Construction Code, as amended.
5. Borough stormwater management criteria shall apply.

6. For parking located off-site, the Applicant shall submit a parking user agreement and transit plan to the Borough for review and for approval.

7. Parking

    a. No Parking for an Agricultural Event Venue shall be located less than 100 feet from a Road and 200 feet from any neighboring residences.

    b. The parking area shall be adequately screened from neighboring residences.

    c. No vehicles shall be permitted to park on Accessways, Driveways or Roads.

    d. The parking requirements of the most currently available American with Disabilities Act for Accessible Design shall apply.

8. This use shall be considered as a separate land use than any other land use that is proposed as part of the lot.

9. Areas associated with outdoor entertainment and gathering shall be located a minimum of one hundred (100) feet from any lot line. All sound systems shall be oriented to the interior of the lot.

10. If the use borders an agriculture and/or residential lot, a vegetated buffer area within the required setback of mixed deciduous and evergreen species

V. Farm cafés

1. Circulation and lot access shall be designed to minimize conflict with typical traffic conditions of adjacent right-of-way.

2. The total gross floor area specific to the farm café use shall not exceed 2,500 square feet. This provision shall apply to the entirety of the farm café in the case of a freestanding structure or, in the case of an attached structure, the portion of the structure that shall be used for the farm café.

3. The minimum lot size shall be the same as the minimum lot size for the principal use of the property with the exception of nonconforming lots. In the case of nonconforming lots, the minimum lot size shall be the size of the lot, provided the other requirements of this section can be met.

4. No structure within the facility shall exceed 40 feet in height.

5. To reduce traffic impacts, only on-site and take-out is permitted. No drive-through service is permitted.

6. Outdoor lighting shall be permitted in accordance with this Ordinance.

    a. No event lighting or loudspeaker system is permitted to be installed or used on the site.

7. Front, side, and rear setbacks shall be a minimum of 50 feet.

8. Signage shall be permitted in accordance with this Ordinance.

9. Adequate parking to accommodate the use shall be provided on-site according to the parking standards for eating and drinking establishments. A parking study submitted

for review by the Borough may suffice as justification for a number of parking spaces smaller than the Borough's Ordinance requirements.

a. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved.

b. Handicapped parking spaces shall comply with ADA standards.

10. Retail sales shall be limited to agricultural products produced in whole or in part within the Region as defined by the Pennsylvania Department of Agriculture including, but not limited to, canned or jarred fruits and vegetables and frozen meats. Retail sales shall only be permitted under this section in conjunction with an eating establishment that is provided in accordance with the definition of farm café.

11. The farm associated with the farm café must be an active agriculture operation, as defined by this ordinance, as the purpose of the farm café is to serve primarily local and regional foods in support of sustaining local agriculture.

12. The farm café conditional use need not be subordinate to the agriculture operation in terms utilized.

13. All sites with an on-site septic system must be inspected by a Dalton Sewage Authority enforcement representative to assure compliance with the Pennsylvania Sewage Facilities Act 537, as amended.

14. All applications for a farm café conditional use permit shall be accompanied by a land development plan prepared in accordance with the provisions of the Borough's Subdivision and Land Development Ordinance.

W. Farmers market

1. The market shall be open no more than 12 hours per day.

2. Up to 3 food trucks at any one time may be parked in the parking area to serve prepared food to patrons.

3. The market shall comply with noise standards contained in the Borough's Noise Ordinance.

X. Farm stands

1. A minimum gravel area equivalent to three parking spaces shall be available for the use of parking on the lot.

2. The stand shall be open no more than 12 hours per day.

Y. Funeral home

1. There shall be no crematory or receiving vaults, nor any external display of merchandise on the premises.

2. One off-street loading space shall be provided for every ten thousand (10,000) square feet of gross floor area.

3. No loading and unloading of merchandise and cadavers shall occur, under any circumstances, on public property or shall be visible from the public right-of-way.

4. An occupancy or building permit shall not be issued unless they are filed with the written consent of sixty (60) percent of the residential lot owners within two hundred (200) feet of the proposed structure. Lot(s) owned by the Applicant shall not be included in such consents.

5. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.

Z. Gasoline service station

1. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.

2. Loading areas/docks shall be screened with either landscaping or fencing from neighboring uses.

3. One additional tree per fuel pump/recharge unit shall be planted on the lot.

4. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.

5. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles.

6. To minimize conflicts between food/beverage items, animals and the natural elements, the storage of palettes and other loading-related equipment/materials shall be contained within an enclosed and covered structure.

7. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

8. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.

9. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.

10. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes

AA. Golf course

1. All applications for a conditional use permit shall be accompanied by a land development plan prepared in conformance with the provisions of the Borough's Subdivision and Land Development Ordinance.

2. All lighting must conform to the standards of the Borough Code of Ordinances.

3. All applications shall conform with the provisions of the Borough Code of Ordinances.

4. All buildings shall be set back 75 feet from any adjoining roads and 100 feet from adjoining residential structures or parcels.

5. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, or driveway.

6. Golf courses may include the following uses provided such uses are reasonably sized and located so as to provide incidental service to the golf course users and employees:

    a. Clubhouse, which may include:

        i. Restaurant, snack bar, or lounge.

        ii. Locker and rest rooms; classrooms; and instructional space.

        iii. Pro shop.

        iv. Administrative offices.

        v. Golf cart and maintenance equipment storage and service facilities.

        vi. Fitness and health equipment, including workout machines, whirlpools, saunas, and steam rooms.

    b. Freestanding maintenance equipment and supply buildings, storage yards, locker rooms and/or team meeting facilities.

    c. Accessory amenities located outside of the clubhouse including:

        i. Driving range.

        ii. Practice putting green.

        iii. Picnic tables, pavilions and park benches.

        iv. Snack shacks.

BB. Golf driving range and golf, miniature

1. A driving range's hours of operation and activities must be appropriately scheduled to protect the surrounding neighborhood from detrimental noise, disturbance or interruption.

2. The owner(s) and operator(s) of a driving range shall be responsible for the conduct and safety of the members, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the members, visitors and guests.

3. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.

4. Light fixtures for the night illumination of putting greens, driving range areas and parking areas shall be designed to minimize illumination levels to zero (0) footcandles when measured from an adjacent lot line.

5. The owner(s) and operator(s) of a driving range shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices

for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

CC. Greenhouse/landscape nursery

1. No sales shall be permissible on the lot.
2. The use shall be subject to the Borough's standard Land Development requirements.
3. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
4. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
5. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
6. On lots less than 5 acres, an eight (8) foot high screen shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable Borough. The screen shall be eighty (80) percent opaque and composed of finished masonry, wood, or black or green vinyl-covered chain link fencing with eight (8) foot high evergreen plantings on the exterior side of the fence.
7. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
8. On lots less than 5 acres, the ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.
9. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

DD. Home based business, other

The applicant shall submit an hours of operation plan to ensure consistency of land use activity with surrounding development. One parking space per nonresident employee shall be provided.

EE. Kennels

1. A minimum parcel of two (2) acres shall be required.
2. Any structure used for the keeping of dogs shall be located at least 50 feet from any lot line and Right-of-Way.

3. Adequate off-street parking shall be provided pursuant to the Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.

4. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less the six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.

5. All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.

6. The applicant shall provide for adequate and proper disposal at a PA DEP-approved facility of all any waste materials generated on the premises and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in watertight containers in an area meeting the setbacks in mentioned above

7. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

FF. Laundromat/dry cleaners

1. A wastewater plan must be submitted.

2. The structure shall have access to public water and sewer.

GG. Manufacturing, light

1. All materials and equipment shall be stored within a completely enclosed building.

2. The use shall comply with all performance standards specified in this Ordinance.

3. The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.

4. Any outdoor storage conducted on the lot shall comply with Borough standards.

5. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

6. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

HH. Mineral extraction and quarrying

1. Permits.

a. Use of land for surface mining in the districts shall be permitted as a Conditional Use, provided the Borough Council determines in each instance that the proposed location will offer reasonable protection to the neighborhood in which the mining operation will occur against possible detrimental effects of the surface mining operations, taking into consideration the physical relationship of the proposed mining site to surrounding properties and permitted land uses, access

to the site from public roads, streets and other public rights-of-way that must be traveled in removing minerals from the site and the effect of the mining operations on the public water supply. In granting a use permit under this provision, the Borough Council may impose such conditions upon the location of the mining operation as are shown to be necessary and appropriate to protect the public health, safety and welfare. No permit granted under this provision shall be valid unless the mine operator also has secured a valid permit to conduct surface mining operations from the appropriate State or Federal agency having regulatory authority over the conduct of surface mining operations.

b. The Borough Council shall forward one copy of all applications for a Conditional Use for surface mining to the Dalton Borough Planning Commission immediately upon receipt for review and comment by that agency on all aspects of the application as they relate to the purposes and requirements of this Ordinance. The Dalton Borough Planning Commission shall prepare a report on the application within 30 days of the receipt of the application, which report shall be presented to the Borough Council by an authorized representative of the Dalton Borough Planning Commission during the public hearing held on the application for a Conditional Use. Copies of the report shall be made available to any party to the proceeding before the Council at a reasonable cost for duplication or reproduction.

2. Application.

a. Application for a special exception permit from the Zoning Hearing Board shall include a duplicate copy of the application the company made to Pennsylvania Department of Environmental Protection in accordance with the Surface Mining Conservation and Reclamation Act of 1971.

3. Limitations.

a. No surface mining shall be conducted closer than 100 feet of any public right-of-way or within 300 feet of any property line.

b. Edges of stockpiles of excavated materials shall not be located closer than 300 feet to the property line, and all reasonable precaution shall be taken to prevent any material or waste deposited upon any stockpile from being transferred off the premises by wind, water or other natural cause.

c. Fencing. A six (6) foot fence that completely encloses the portion of the property that includes the open pit area, high wall, water pool or spoilbank and culm bank (as those terms are defined in the Surface Mining Conservation and Reclamation Act) shall be provided and shall be constructed as to have openings no larger than 6 inches and if pickets are used, the openings shall not exceed 6 inches.

II. Mobile storage units

1. There shall be no outdoor storage.

2. Truck bays shall not be located on the frontage.

JJ. Outdoor storage of goods

1. Any article or material authorized to be stored outside an enclosed structure in the shall be buffered by six- (6) foot-high opaque fencing, planting, earthen mounds or existing topography to assure that it cannot be seen from adjoining public streets or adjacent residential uses or residentially zoned properties and to assure no adverse effect on adjacent property.
2. Outdoor storage shall not be permitted in the required front yard.
3. Toxic or volatile chemicals shall not be stored outside an enclosed structure.
4. All organic rubbish or waste materials shall be stored in airtight vermin-proof containers.
5. No movable vehicle such as a truck or trailer shall be used for outside storage.
6. Outdoor storage shall not include operable and/or inoperable vehicles including, but not limited to, automobiles, buses, motorcycles and similar machines.
7. Outdoor storage shall not be visible from the primary entrance of any commercial use.
8. Access driveways to outdoor storage shall be paved with a minimum of two (2) inches of slag or stone.
9. The outside storage facility shall not reduce the area required for off-street parking or loading for the principal use, nor shall its location interfere with the free flow of traffic on the site or the use of any off-street parking or loading area.
10. The owner(s) and operator(s) of an outdoor storage facility shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

KK. Park, private

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this chapter.
2. Coverage, including structures, parking lots, and buildings, shall not exceed 50% of the lot.
3. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
4. All structures shall not be less than 100 feet from any lot line, and no less than 200 feet from the nearest house.
5. All parking shall be a minimum of 25 feet from any residential lot line. Gravel parking lots with bumper blocks shall be allowed until such time as the required parking exceeds 25 parking spaces. At such time, all parking spaces shall be paved. Handicapped parking spaces shall comply with ADA standards.
6. All facilities shall abut a public road and have a permanent access thereto.

7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and jukeboxes shall be prohibited on the premises.

8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

9. All pools shall be surrounded by a fence at least six feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.

10. Tennis courts shall be protected by a permanent fence 10 feet in height behind each base line extending 10 feet beyond the playing area in each direction.

11. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.

12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.

13. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

14. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

LL. Place or worship/assembly

1. Submission and approval of a land development plan and traffic impact study per the requirements established in the Borough's Subdivision and Land Development Ordinance.

2. The use shall be in accordance with the noise requirements as stated in this Ordinance.

3. All lighting subject to the illumination standards of the Borough Code.

4. Primary or accessory uses that are not enclosed shall be limited to operating from dawn to dusk; exceptions may be made for organized activities that are held in outdoor areas with approved lighting.

5. Impervious coverage limited to 30%.

   a. Use of impervious material for parking is encouraged. Material must be approved by the Borough Engineer.

   b. The design of permanent stormwater facilities to allow for recreational activities must be approved by the Borough Engineer.

6. Buffering of any accessory use within the boundary of the site shall not be required; however, landscaping shall be used to delineate the boundaries of the site from adjacent uses in separate ownership and all landscaping required within parking areas shall be provided.

7. All signs, other than directional signage shall be located on site. The use of temporary event signage must be approved by the Zoning Administrator:

    a. Any requests for on-site signage beyond that which identifies the principal use of the site or any that is approved as part of the land development plan shall be considered for approval at the sole discretion of Borough Council. Such consideration may include a review of size, location, material, and illumination.

8. Any other conditions that the Council determines are necessary to address the impacts associated with the specific use or the specific site.

MM. Public parking

1. A garage/structural parking facility shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in this Ordinance.

2. The perimeter of a parking garage/structure shall be landscaped with a five (5) foot wide bufferyard of evergreen plantings.

3. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Lights shall be required in a facility or on the lot and shall not exceed of four (4) foot candles at any time. Illumination on a lot, when adjacent to a residential district, shall be a maximum of zero (0) foot candles. Lighting levels shall also be reduced by one-half (½) their standard operating power between 11:00 pm and 6:00 am. A parking facility shall conform to any additional illumination requirements of this Ordinance and any applicable provisions outlined in the Borough Subdivision Ordinance.

NN. Recreation facility, public

1. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Chapter.

2. Coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the lot.

3. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.

4. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.

5. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.

6. All facilities shall abut a public road and have a permanent access thereto.

7. Alcoholic beverages without a Pennsylvania Liquor Control Board license, amplified music, and juke boxes shall be prohibited on the premises.

8. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

9. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.

10. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.

11. The landowner and/or developer shall demonstrate the proposal will be compatible with the neighborhood and not adversely affect adjoining lot.

12. The amount of new traffic generated shall not have a detrimental impact on the neighborhood.

13. Plans shall clearly show ingress-egress facilities and provide proper sight visibility for motorists.

14. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.

OO. Restaurant

1. The maximum impervious surface coverage shall not be greater than 80%.

2. The required parking shall be in accordance with the parking regulations set forth in this Ordinance.

PP. Restaurant, café

See Restaurant.

QQ. Sawmill

1. This accessory use must provide adequate access for trucks.

2. There must be 200 feet of pavement of access between the structure and the right-of-way.

3. A traffic plan must be submitted.

RR. School, private

1. All height, area, setback and coverage standards within the underlying district shall apply.

2. No part of a non-public school property shall be located within 1,000 ft. of a property containing an adult business (as defined herein). All off-street parking shall be set back at least twenty-five feet (25') and screened from adjoining property lines.

3. An outdoor play area shall be provided at a rate of one hundred (100) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five feet (25') from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened from adjoining residentially zoned properties. Any vegetative materials located within the outdoor play areas shall not be

of a harmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).

4. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.

5. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site. The drop-off and pick-up lanes shall also be arranged to prevent backup onto public streets.

6. The minimum lot area for non-public schools will comply with the requirements of the zoning district.

7. A traffic study is required.

8. The subject property shall have frontage along a public street as defined in the Zoning Ordinance, as amended.

SS. Self-storage facility

1. Minimum lot size, lot width and setbacks, and maximum lot coverage and building height shall conform to district standards. Minimum distance between buildings shall be twenty (20) feet.

2. There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).

3. The facility shall be surrounded by a fence of such height and design to restrict access to the warehouse and said fence shall not be less than six (6) feet in height and shall be located between the warehouse and any required vegetative screening.

4. No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by water supply or a sewage disposal system.

5. No storage unit shall be used for any other purposes except storage and shall not be used for any other type of commercial or manufacturing activity. No materials, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.

6. All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

7. All storage units shall be fire-resistant and water-resistant.

8. All self-storage facility proposals 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 conditional use application and shall provide specific rules and regulations to ensure that the requirements of the Ordinance are or will be satisfied.

9. An on-site manager shall be present during normal business hours.

10. The maximum impervious surface coverage is 80%.

11. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of zero (0) footcandles. Outdoor lights shall not exceed 18 feet in height.

TT. Shooting/archery range, outdoor

1. Skeet, rifle or archery ranges shall be directed away from residential areas and adequate backstopping shall be provided to protect surrounding areas from stray bullets or arrows.

2. Outdoor firearm shooting hours shall be limited from 10:00 a.m. to one (1) hour before sunset.

3. No hunting shall be permitted on the grounds within specified safety zones of on-site or off-site buildings and dwellings.

UU. Shopping center or mall

1. The use shall front on an arterial street

2. Additional area and bulk regulations shall be as follows:

   a. Lot area: five acres minimum.

   b. Side yard setback: 100 feet minimum from the lot line of an existing residential use.

3. The site shall utilize interior access drives to the greatest extent possible to minimize the number of driveways entering onto an arterial street. The applicant shall prove that all proposed driveways are placed in the most logical and reasonable locations, considering impacts upon abutting streets and on nearby residential uses. The Borough Council may require that no new traffic access that would involve left-hand turns onto and off an arterial street shall be permitted if reasonable access could be provided using another street deemed adequate by Borough Council, except at an intersection where a traffic signal exists or will be provided as part of the shopping center or mall use.

4. Where a drive-through facility is proposed for any permitted use within the shopping center, a stacking lane shall be provided to serve a minimum of 10 cars. The stacking lane shall connect to internal access drives and parking lots and shall not have direct access from the street. The stacking lane shall not be used as a parking lot circulation aisle nor shall it in any way conflict with the circulation of traffic through the parking lot.

5. Pedestrian walkways shall be provided between the existing sidewalk and the front of the shopping center.

6. Accessible pedestrian walkways shall be provided linking buildings in a shopping center.

7. No loading areas or dumpsters shall be provided within the required front yard area. Trash dumpsters shall be well screened from view of streets or dwellings by appropriate evergreen planting, fencing or walls.

VV. Solar energy farm

1. Principal Solar Energy Systems (PSES) constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.

2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL) or other similar certifying organizations, and shall comply with Borough's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

3. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.

4. The owner of a PSES shall provide the Borough written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Borough prior to the issuance of a certificate of use and occupancy for the PSES.

5. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the PSES.

6. Signage shall comply with the prevailing sign regulations.

7. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

8. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

9. Minimum Lot Size.

    a. The PSES shall meet the lot size requirements of the applicable zoning district.

10. Setbacks.

    a. The PSES shall comply with the setbacks of the applicable zoning districts.

    b. If located adjacent to a residential district, the PSES shall have an increased setback of 100 linear feet.

    c. PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

11. Height.

    a. Ground mounted PSES shall comply with the building height restrictions of the applicable zoning district.

12. Impervious Coverage.

    a. The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

        i. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.

        ii. All mechanical equipment of PSES including any structure for batteries or storage cells.

        iii. Gravel of paved access roads servicing the PSES.

13. Stormwater.

    a. The Applicant shall submit a storm water management plan that demonstrates stormwater from the PSES will infiltrate into the ground beneath the PSES at a rate equal to that of the infiltration rate prior to the placement of the system.

    b. PSES owners are encouraged to use low maintenance and/or low growing vegetative surfaces under the system as a best management practice for stormwater management.

14. Screening.

    a. Ground mounted PSES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a fence that provides visual screening and meets requirements of the controlling ordinance may be used.

15. Security.

    a. All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum eight (8) foot high fence with a locking gate, or as designated by the municipality.

    b. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

16. Access Drives.

    a. Access drives are required to allow for maintenance and emergency management vehicles and shall have a cartway with a minimum width of 12’.

17. Removal.

    a. If a ground mounted PSES is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system must be graded and re-seeded.

WW. Traditional neighborhood development

Reserved.

XX. Urban Agriculture

See Supplemental Regulations.

YY. Vehicle or equipment sales

1. Automobile repair and sales shall have direct access to an arterial road.
2. All automobile repair and sales shall have a maximum lot area of one (1) acre.
3. Automobile inventory shall be aligned and displayed in an orderly fashion so that circulation for fire safety can be maintained at all times.
4. All outdoor display areas adjacent to a residence or residential zoning district shall have exterior lighting reduced to fifty (50) percent luminosity after 11:00 P.M.
5. Automobile repair and automobile sales and service (dealership) may be provided so long as any area not within a building which is used for the display of automobiles shall be bordered by curbing or barrier.
6. All lights used to illuminate automobile sales area shall be so arranged as to reflect the light away from adjoining properties and roadways.
7. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances. Where an automobile display area abuts a residential use, it shall be bordered by a fence or hedge not less than four (4) feet in height.
8. Landscaping requirements:
    a. One (1) tree (2 ½" cal.) per fifteen (15) display spaces shall be planted on the lot.
    b. A decorative landscaped strip shall be located immediately adjoining the supporting structure of any signage in all directions;
    c. A hedge or other desirable planting of at least two (2) feet in height shall extend the entire length and breadth of the required landscaped strip.
9. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrate adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
10. The use shall have direct ingress/egress to an arterial road.
11. All authorized repair and service work, car washing, and lubrication shall be conducted within a completely enclosed building.
12. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
13. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.

14. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

15. Parking shall be placed to the side or the rear of the structure on the lot.

ZZ. Vehicle Repair Services

1. Minimum Setbacks from Street Right-of-ways lines:

   a. Building: fifty feet (50')

   b. Canopies: twenty feet (20')

2. Driveways shall be located as provided in this Ordinance.

3. All service equipment shall be set back not less than twenty-five feet (25') from any lot line and so located that vehicles stopped for service will not extend over the property line.

4. Access drives:

   a. Minimum offset from intersection of street right-of-way lines: forty feet (40');

   b. Side lot line offset: 10 feet (10')

   c. Minimum width: twelve feet (12')

   d. Maximum width: thirty-five feet (35')

   e. Minimum separation of drives on same lot: twenty-five feet (25')

5. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.

6. Except along access drives, a concrete curb eight inches (8") in height must be placed along all street right-of-way lines.

7. All merchandise shall be displayed within a building. Vending machines shall be maintained in a semi- enclosed structure or within the building.

8. No outdoor stockpiling of tires, auto parts, or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is permitted. No materials may be stored so as to create a fire hazard.

9. All lights must be diverted inward and downward.

10. The outdoor storage of unlicensed vehicles is prohibited.

11. All vehicles shall be serviced and removed from the premises within thirty (30) days.

12. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.

13. One kiosk is permitted on the gasoline service island, no larger than 10' by 10' and within the pump setbacks.

14. All service and/or repair activities shall be conducted within a wholly enclosed building.

15. No outdoor storage of parts, equipment, lubricants, fuel or other materials, new or used or discarded, as part of the service or repair operation, shall be permitted.

16. All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially used lots and roads.

17. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.

18. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed towards any adjoining residentially zoned or used property and conform to all outside agency requirements.

AAA. Wholesale Establishment

1. Truck parking shall be located along the side and/or rear of the lot. Truck bays shall be located along the side and/or rear of the structure on lot.

2. No deliveries shall occur during the hours of 10 p.m. and 6 a.m.

3. Maximum impervious surface coverage is 80%.

4. Maximum lot size is 5 acres.

BBB. Wind farm

1. The required setback from a residential structure shall equal twice the height of the Wind Energy Conversion System.

2. The required setback from a road shall equal the height of the system plus 50 (fifty) feet.

CCC. Wireless communications tower

Unless county, state, or federal law, orders, court rulings, or legal precedent supersede the following provisions, wireless communications facilities shall be permitted as a special exception in districts identified in this Ordinance subject to the criteria stated below.

1. The purpose of this Section is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Dalton Borough. While the Borough recognizes the importance of wireless communications facilities (WCFs) in providing high-quality communications service to its residents and businesses, the Borough also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

2. By enacting this Section, the Borough intends to:

    a. Promote the health, safety and welfare of Borough residents and businesses with respect to wireless communications facilities;

    b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Borough residents and wireless carriers in accordance with federal and state laws and regulations;

    c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless

communications facilities in the Borough, including facilities both inside and outside the public rights-of-way;

d. Address new wireless technologies, including but not limited to, distributed antenna systems, small-cell antennas, data collection units, cable Wi-Fi, and other wireless communications facilities;

e. Encourage the collocation of wireless communications facilities on existing structures rather than the construction of new tower-based structures;

f. Protect Borough residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

g. Update the Borough's wireless facilities regulations to incorporate changes in federal and state laws and regulations.

3. Regulations for All Tower-Based Wireless Communications Facilities

a. Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

b. Any tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

c. Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty feet (150'), which height shall include all subsequent additions or alterations. All tower-based WCF applicants must submit documentation to the Borough justifying the total height of the structure.

d. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

e. Maintenance Requirements for Tower-Based WCFs.

i. Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

ii. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

iii. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

f. No tower-based WCF may, by itself or in conjunction with other WCFs, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

g. No tower-based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic site as defined in the Ordinance of Definition.

h. No tower-based WCF shall be located in the public right-of-way unless otherwise permitted by county, state, or federal law.

i. All tower-based WCFs shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Borough.

j. Tower-based WCFs shall not be artificially lighted, except as required by law and as may be approved by the Borough. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

k. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

l. Tower-based WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

m. Tower-based WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

n. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

o. Within thirty (30) calendar days of the date that an application for a tower-based WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. All applications for new tower-based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Borough shall advise the applicant in writing of its decision. If additional information is requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the one-hundred-fifty (150) day review period.

p. Nonconforming tower-based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Section.

q. Unused or Abandoned Tower-Based WCFs.

i. In the event that use of a tower-based WCF or a portion thereof is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued.

ii. All unused or abandoned tower-based WCFs and accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Borough.

iii. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

iv. Any unused portions of tower-based WCFs, including antennas, shall be removed within six (6) months of the time of cessation of operations. The Borough must approve all replacements of portions of a tower-based WCF previously removed.

r. The Borough may assess the applicant and/or owner of the WCF appropriate and reasonable permit fees consistent with limits set by the Federal Communications Commission and directly related to the Borough's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.

4. Regulations for Tower-Based WCFs Outside the Rights-of-Way

a. No tower-based WCF shall be located within five hundred feet (500') of a lot in residential use or a residential district boundary.

b. An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Borough's decision on an application for approval of tower-based WCFs.

c. A tower-based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district.

d. A tower-based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use subject to the following conditions:

i. The existing use on the property may be any permitted use in the applicable district other than a residential use and need not be affiliated with the communications facility.

ii. The minimum lot size shall comply with the requirements for the applicable district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence and buffer planting.

iii. The tower-based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no tower-based WCF shall be located within five hundred feet (500') of a lot in residential use or a residential district boundary.

e. Upon receipt of an application for a tower-based WCF, the Borough shall mail notice thereof to the owner or owners of every property within five hundred feet (500') of the parcel or property of the proposed facility.

f. An application for a new tower-based WCF shall not be approved unless the Borough finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two (2) mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively the reasons why an existing tower or other suitable structure cannot be utilized.

g. Design Guidelines for Tower-Based WCFs Outside the Rights-of-Way.

i. The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.

ii. Any height extensions to an existing tower-based WCF shall require prior approval of the Borough. The Borough reserves the right to deny such requests based upon any lawful considerations related to the character of the Borough.

iii. Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for future users.

iv. A security fence having a maximum height of six feet (6') shall completely surround any tower-based WCF, guy wires, or any building housing WCF equipment.

v. An evergreen screen that consists of a hedge or a row of evergreen trees shall be located along the perimeter of the security fence.

vi. The WCF applicant shall submit a landscape plan to the Borough for review and approval for all proposed screening.

h. The WCF applicant shall submit a soil report to the Borough to document and verify the design specifications of the foundation of the tower-based WCF and anchors for guy wires, if used.

i. Accessory Equipment for Tower-Based WCFs Outside the Rights-of-Way.

i. Ground-mounted equipment associated with or connected to a tower-based WCF shall be underground. In the event an applicant can demonstrate the equipment cannot be located underground to the satisfaction of the Borough Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

ii. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

j. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the Borough with a written commitment that it will allow other service providers to collocate antennas on tower-based WCFs where technically and economically feasible and that the WCF applicant shall not unreasonably withhold such permission. The owner of a tower-based WCF shall not install any additional antennas without obtaining the prior written approval of the Borough.

k. An access road, turn-around space and parking shall be provided to ensure adequate emergency and service access to a tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Borough that the property owner has granted an easement for the proposed facility.

l. Prior to the issuance of a permit, the owner of a tower-based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain financial security acceptable to the Borough Solicitor in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Section. The financial security shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this Section, after reasonable notice and opportunity to cure. The owner shall file the financial security with the Borough.

m. The Borough reserves the right to deny an application for the construction or placement of any tower-based WCF based upon visual and/or land use impact, to the extent permitted by law.

n. The Borough reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this Section and any other provisions found within the Borough Code or Commonwealth or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

5. Regulations for All Non-Tower Wireless Communications Facilities

   a. Non-tower WCFs are permitted in all zoning districts subject to the restrictions and conditions prescribed below; to prior written approval of the Borough; and to county, state, or federal law, orders, court rulings, or legal precedent.

   b. Upon receipt of an application for a non-tower WCF, the Borough shall mail notice thereof to the owner or owners of every property within five hundred feet (500') of the parcel or property of the proposed facility.

   c. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

   d. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

   e. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

   f. Non-tower WCFs shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.

   g. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio-frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

   h. Unused or Abandoned Non-Tower WCFs.

      i. In the event that use of a non-tower WCF or portions thereof is planned to be discontinued, the owner shall provide written notice to the Borough of its intent to discontinue use and the date when the use shall be discontinued.

      ii. All unused or abandoned WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the Borough.

      iii. If the WCF and/or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the Borough, the WCF and accessory facilities and equipment may be removed by the Borough and the cost of removal assessed against the owner of the WCF.

i. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Borough, the Borough shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Borough shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the Borough to complete an application, the time required by the applicant to provide the information shall not be counted toward the Borough's ninety (90) day review period.

j. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF or $1,000, whichever is less.

6. Regulations for Non-Tower Wireless Communications Facilities That Substantially Change the Wireless Support Structures to Which They Are Attached

a. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to prior written approval of the Borough.

b. Upon receipt of an application for a non-tower WCF, the Borough shall mail notice thereof to the owner or owners of every property within five hundred feet (500') of the parcel or property of the proposed facility.

c. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property.

d. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

e. No non-tower WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

f. No non-tower WCF may be located on a building or structure that is listed on either the National or Pennsylvania Register of Historic Places or is identified as a historic site as defined in the Ordinance of Definition.

g. Non-tower WCFs shall comply with all federal and Commonwealth laws and regulations concerning aviation safety.

h. Maintenance Requirements for Non-Tower WCFs That Substantially Change the Wireless Support Structures to Which They Are Attached

i. Any non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

ii. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Borough's residents.

iii. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

i. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio-frequency emissions in excess of the standards and regulations of the FCC including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" as amended.

j. The Borough may hire any consultant(s) and/or expert(s) necessary to assist the Borough in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Section. The applicant and/or owner of the WCF shall reimburse the Borough for all costs of the Borough's consultant(s) in providing expert evaluation and consultation in connection with these activities.

k. Prior to the issuance of a permit, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the Borough Solicitor in the amount of $25,000 for each individual non-tower WCF to assure the faithful performance of the terms and conditions of this Section. The bond shall provide that the Borough may recover from the principal and surety any and all compensatory damages incurred by the Borough for violations of this Section after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Borough.

l. The Borough may assess appropriate and reasonable permit fees directly related to the Borough's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring, and related costs.

7. Regulations for Non-Tower WCFs Outside the Rights-of-Way

a. Design Guidelines for Non-Tower WCFs Outside the Rights-of-Way.

i. Non-tower WCFs shall be collocated on existing structures such as existing buildings or tower-based WCFs.

ii. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

iii. A six-foot (6') high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

iv. Non-tower WCFs shall employ stealth technology to match the supporting structure in order to minimize aesthetic impact. The application of the

stealth technology chosen by the WCF applicant shall be subject to the approval of the Borough.

v. Non-tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen feet (15') above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use approval.

vi. All non-tower WCF applicants must submit documentation to the Borough justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

vii. Antennas and their respective accompanying support structures shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.

viii. The design guidelines above shall not apply to direct-broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

b. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the number of antennas.

c. Any material modification to a WCF shall require a prior amendment to the original permit or authorization.

d. The Borough reserves the right to deny an application or the construction or placement of any non-tower WCF based upon visual and/or land use impact to the extent permitted by law.

e. The Borough reserves the right to inspect any non-tower WCF to ensure compliance with the provisions of this Section and any other provisions found within the Borough Code or Commonwealth or federal law. The Borough and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

8. Regulations for Non-Tower WCFs Within the Right-of-Way (ROW)

a. Design Guidelines for Non-Tower WCFs Within the Right-of-Way.

i. Non-tower WCFs in the ROW shall be collocated on existing poles, such as existing utility poles or light poles.

ii. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles shall consist of equipment components that are no more than six feet (6') in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.

iii. Antennas and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted

or otherwise coated to be visually compatible with the support structure upon which they are mounted.

b. In addition to permit fees as described herein, every non-tower WCF in the ROW is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Borough's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Borough. The owner of each non-tower WCF shall pay an annual fee to the Borough to compensate the Borough for the Borough's costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Borough and authorized by resolution of the Borough Borough Council and shall be based on the Borough's actual ROW management costs as applied to such non-tower WCF.

c. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

d. Safety Guidelines for Non-Tower WCFs Within the Rights-of-Way.

   i. Non-tower WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Borough.

   ii. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen inches (18") of the face of the curb, or in the absence of a curb, the edge of the pavement.

   iii. Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Borough.

e. Design Guidelines for Non-Tower WCFs Within the Right-of-Way.

   i. Ground-mounted equipment shall be located underground. In the event that an applicant can demonstrate to the satisfaction of the Borough Engineer that ground-mounted equipment cannot be underground, then all such equipment shall be screened to the fullest extent possible through the use of landscaping or other decorative features to the satisfaction of the Borough.

   ii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.

   iii. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

f. Removal or Relocation.

Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, an owner of non-tower WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Borough, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

i. The construction, repair, maintenance, or installation of any Borough or other public improvement in the right-of-way;

ii. The operations of the Borough or other governmental entity in the right-of-way;

iii. Vacation of a street or road or the release of a utility easement; or

iv. An emergency as determined by the Borough.

g. The Borough reserves the right to deny an application for the construction or placement of any non-tower WCF based upon visual and/or land use impact to the extent permitted by law.

9. Any person violating any provision of this Section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding $500 for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Section and any other remedy at law or in equity, the Borough may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Section.

10. In the event a determination is made that a person has violated any provision of this Section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Borough may, in its reasonable judgment, extend the time period to cure, provided that the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Borough may take any and all actions authorized by this Section and/or federal and/or Pennsylvania law and regulations.

11. The Borough, by granting any permit or taking any other action pursuant to this Section, does not waive, reduce, lessen or impair the lawful police powers vested in the Borough under applicable federal, Commonwealth, and local laws and regulations.

12. If any subsection, sentence, clause, phrase or word of this Section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this Section invalid.

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ARTICLE 7
Off-Street Parking and Loading

Section 7.1 – General Regulations for Parking Facilities

A. Availability of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

B. Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

C. Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with Borough parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.

D. Off-Street Parking in the Village Mixed Use District

Off-street parking for uses involving new construction in the Village Mixes Use District shall be provided to the rear of the principal structure. In the case of a change in use in the V District which does not involve an expansion of a structure or additional floor area, additional off-street parking shall be provided equal to the difference between the number of spaces required by §7.1E for the new use and the number required for the existing use as though parking had been provided in accord with §7.1E. The replacement of non-conforming uses in the V District shall not require parking as required by §7.1E.

E. Number of Spaces To Be Provided

1. Any structure or building not exempted by §7.1D and which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

2. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

3. Additional parking for the handicapped shall be provided in accord with §7.1L.

4. Should the applicant provide evidence that the number of parking spaces required by this Article §7 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Section 7 and the applicant shall agree in writing to install the parking at the direction of the Borough Council. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §1.1L).

5. To lessen the effects of storm water runoff and creation of heat sinks from acres of little used parking stalls (i.e. Black Friday Parking) the Subsection 7.1.1 Table is both the minimum and maximum number of parking spaces required. Any business requesting to exceed the limit by more than 5% must show proof why the requirement is not sufficient.

F. Parking and Loading Area Buffers

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than three (3) feet in width unless adjoining uses share parking in accord with §7.1I. In the case of adjoining Rural Single Family Residential District, the buffer shall be increased to ten (10) feet. Buffers shall be improved in accord with §7.2.

1. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.

2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:

   a. Paving except for approved driveway crossings

   b. Fences

   c. Parking, storage or display of vehicles

   d. Items for sale or rent

3. Uses Permitted - The buffer area may include the following:

   a. Permitted freestanding signs

   b. Pervious storm water facilities

   c. Approved driveway/access way crossings

4. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking lot.

5. Clear Sight Triangles - All required clear sight triangles at intersections shall be maintained.

G. Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surf aced so as to provide a durable and dustless surface of concrete or bituminous concrete surface constructed in accord with accepted standards to assure durability.

H. Off-Lot Parking

A principal use located within four hundred (400) feet of another use, within the same Zoning District, that has excess of available parking spaces due to the principal use operating at different time(s) or for any other reason, the principal use seeking the shared parking arrangement may, as a conditional use, **seek** approval of a shared parking arrangement before Borough Council. Council may submit the application to the Clarks Summit Planning Commission for recommendations.

I. Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §7.1F. The standards in §7.1E for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (1Ol percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

J. Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

K. Parking for Residential Use

Off-street parking shall be provided in accord with this §7 for all residential uses in all Districts.

L. Handicapped Parking

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

Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.

3. Minimum Size - Each required handicapped parking space shall be a minimum of eight (8) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. In order to provide for van accessibility, one (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.

4. Slope - In accord with ADA requirements, handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions.

5. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

Subsection 7.1.1 – Table of Off-Street Parking Requirements

USE	PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group homes, halfway houses, and similar uses	3 per every 5 beds '
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise, and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 sq ft of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance, banks, service establishments, and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural, religious, social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFG FA open to the public
3. Places of worship	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity

USE	PARKING SPACES REQUIRED
4. Docking facilities	1 per every 3 slips
I. Health related facilities	
1. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
2. Nursing homes, personal care homes	1 per five resident beds at maximum capacity
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFG FA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car or truck wash	1 per employee plus 2 reservoir spaces in front of each stall for self-serve & 5 reservoir sp for conveyor type
4. Truck terminals	1 per 200 SFGFA devoted to office use plus 2 per company vehicle using the facility
5. Bus terminals	1 per 200 SFGFA devoted to office use plus 0.75 per seat of the total capacity of buses serving riders who travel round-trip during the peak twelve-hour period of the day
L. Warehousing and storage	1 per 2,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA
2. Nursery schools and day care	1 per staff member plus 1 per 5 clients at max. capacity
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Post office	1 per 200 SFGFA open to the public
6. Recycling centers	1 per employee with a minimum of 2
7. Kennels	1 per 400 SFGFA with a minimum of 4
8. Institutional uses	1 per employee plus 1 per 25 inmates/residents
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	

For uses not specifically provided above, the Zoning Officer is authorized to determine the required number of spaces based upon the similarity of the proposed use to the uses provided. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

Section 7.2 – Design Standards for Parking Facilities

A. Size and Design of Parking Spaces - For residential parking, a garage or carport space, unless the vehicle in the garage or carport has unobstructed access to the street (i.e. a vehicle parked directly in front of the garage) then the garage space should not count as a parking space. Most families now have at a minimum two vehicles and unless there is unobstructed access to the street the vehicle(s) will be parked in the public right-of-way.

B. Distance From Intersections • At a minimum, the following distance shall be maintained between the centerline of any driveway/access way and the centerline of any street intersecting the same street as the driveway/access way:

Type of Street	Minimum Separation Distance
State	75 feet
Borough	50 feet

C. Highway Occupancy Permit - A Borough or State highway occupancy permit, as applicable, shall be required for any new access or access proposed for increased average daily traffic to any public street or any other regulated activity within the right-of-way.

D. Landscaping

All improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

1. Buffer Areas - The buffer area required by §7.1F shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (1Ol feet of frontage.

2. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1l deciduous tree with a trunk diameter of not less than one (1l inch measured at a height of one (1l foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by

landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.

3. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Borough. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.

4. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Borough.

Section 7.3 – Parking of Commercial, Recreational, and Junk Vehicles

Parking of Unregistered Vehicles, Commercial Vehicles and Junk Vehicles

A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.

B. Storage of Unregistered, Commercial or Junk Vehicles.

1. Definitions - For the purposes of this §7.3, the following terms shall have the following meanings:

   a. Commercial Vehicle - A motor vehicle that has a gross vehicle weight of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment µsed in a business or in accomplishing physical work as part of a business (such as hauling material.)

   b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

   c. Trailer of a Tractor-Trailer A commercial vehicle with a length of 20 feet or more that is not self propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."

2. Residential District - Within a residential district, no motor vehicle or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no "abandoned or junk vehicle" (as defined by Article lll), motor home, recreational vehicle, camper, bus or ambulance shall be parked or stored in any way that is visible from a public street or an adjacent dwelling.

3. Non-Residential District - Within a non-residential district, no motor vehicle or trailer that does not display current registration and current safety inspection (or safety inspection and registration that expires less than 90 days prior) and no

"abandoned or junk vehicle" (as defined by Article Ill), shall be parked or stored in any way that is visible from a public street or an adjacent structure. This §7.3 shall not apply to a permitted auto sales use, auto service station, junkyard or auto repair garage, provided that the regulations for that use are met.

4. Exceptions - This section does not apply to the following, provided they are in an operational condition:

   A. Municipally-owned vehicles

   B. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority

   C. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area

   D. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.

5. Commercial Vehicles in a Residential District

   A. In a residential distr1ct, a maximum of two (2) "vehicles" which are commercial in nature (having a business name painted on it and/or other advertising on it) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in a residential district shall have a gross vehicle weight of over eight thousand (8,000) pounds if parked outside of an enclosed building.

   B. In a residential district, the engine of a tractor of a tractor-trailer shall not be idled for more than 10 minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.

   C. No trailer of tractor-trailer shall be parked, stored, maintained or kept in a residential district for more than 8 hours in any forty-eight (48) hour period.

   D. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

Section 7.4 – Off-Street Loading

A. Loading and Unloading Areas

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district. for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other non-residential uses, to

provide adequate oft-street areas tor loading and unloading of vehicles. The applicant shall provide to the satisfaction of the Zoning Officer, Borough Council or Zoning Hearing Board, as the case may be, documentation that the use will have sufficient numbers and sizes of loading facilities.

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	55 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

B. Access to Off-Street Parking and Loading Areas

There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

1. Width - Unless otherwise required by PennDOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows:

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

2. Controlled Access • Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.

3. Distance Between Non-residential Driveways · In no case shall one entrance or exit be located within fifty (50) feet of any other on the same property or adjoining property along the same public right-of-way.

ARTICLE 8
Signs

[This Article will be completed at a later date after further discussions/correspondence with the Borough and based on the outcomes of those discussions.]

Section 8.1 – Administration

A. Purpose. The Purpose of this Article XI is to establish standards for the regulation of signs within Dalton Borough in order to safeguard the public interest and:

1. to protect property values within Dalton Borough;

2. to preserve the beauty and the unique character of Dalton Borough;

3. to promote and aid in the tourist industry of Dalton Borough;

4. to protect the general public from damage and injury which may caused by the faulty construction of signs;

5. to protect pedestrians and motorists of Dalton Borough from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;

6. to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within Dalton Borough;

7. to assure that signage is clear and provides the essential identity or direction to facilities in the community; and,

8. to enable the fair and consistent enforcement of the sign restrictions throughout Dalton Borough.

B. Applicability – Effect. A sign may be erected, placed, established, painted, created or maintained in the Borough only in conformance with the standards, procedures, exceptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

1. to establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Ordinance;

2. to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;

3. to provide for temporary signs without commercial messages in limited circumstances in the public right--of- way; and,

4. to prohibit all signs not expressly permitted by this Ordinance.

C. Requirement of Conformity. No sign, for which a permit is issued after the effective date of this Ordinance, may be placed or maintained in Dalton Borough except as provided herein. All signs maintained contrary to the provisions of this Ordinance are declared to be nuisances, and as such may be abated as provided by law.

Section 8.2 – Definitions and Interpretation

Words and phrases used in this Article shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Article ill shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

ADVERTISING SIGN, OFF-PREMISES - A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

ANIMATION - The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

APPLICANT - A person or entity who applies for a sign permit in accordance with the provisions of this Ordinance.

AREA OF SIGN - In the case of individual letters used as a sign, the area is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the_ area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

ATTRACTION BOARD - See changeable panel sign.

AUTOMATED TELLER MACHINE SIGN - Any sign located on or architecturally associated with the exterior face of an automated teller machine.

AWNING SIGN - Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior or a building.

BANNER SIGN - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges with no enclosing framework. National flags, state or municipal flags of any institution or business shall not be considered banners.

BILLBOARD - A type of off-premises advertising sign and which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard.

BUSINESS - For the purposes of this Article VII, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

BUSINESS NAME - The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.

CABINET - A three-dimensional structure which includes a frame, borders and sign panel face and may include internal lighting upon which the sign letters and logos are placed or etched, and 1s architecturally integrated with the building.

CANOPY SIGN - Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE PANEL SIGN - A sign designed to allow it's informational content to be changed or altered.

COMMERCIAL MESSAGE - Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMPUTATION OF AREA IN INDIVIDUAL SIGNS - The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

COMPUTATION OF AREA OF MULTI-FACED SIGNS - The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42") inches apart, the sign area shall be computed by the measurement of one of the faces.

COMPUTATION OF HEIGHT - The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly

established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

CONSTRUCTION SIGN - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

CONTRACTOR OR SUBCONTRACTOR SIGNS - The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

DEVELOPMENT SIGN - A temporary sign used to identify an approved future development.

DIRECTORY SIGN - A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

DOUBLE-FACED SIGN - A sign with two faces, essentially back to back.

FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

FREESTANDING SIGN - A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

GOVERNMENT SIGN - Any temporary or permanent sign erected and maintained by the Borough, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

GRAND OPENING - The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

GROUND SIGN - A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

HEIGHT - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

ILLEGAL SIGN - Any sign erected without first obtaining an approved sign permit, other.than non-conforming signs, and which does not meet the requirement of this ordinance.

ILLUMINATED SIGN - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INDIRECT ILLUMINATION - A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

INDIVIDUAL LETTERS - A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

INTERNAL ILLUMINATION - A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

INTERNAL/INDIRECT ILLUMINATION - A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letter is mounted. The letters are opaque, and thus are silhouetted against the background. The source of illumination is not visible.

LOGO - A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

MAINTENANCE - The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy.

MARQUEE - Any permanent roof-like structure projecting beyond a building ·or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

MONUMENT SIGN - A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.

MULTIPLE TENANT COMMERCIAL BUILDING - A commercial development in which there exists two or 6 more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

NAMEPLATE - A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

NONCONFORMING SIGN - Any sign which is not allowed under this Ordinance, but which, when first constructed before this ordinance was in effect and for which a sign permit was issued, was legally allowed by the Borough.

OWNER - A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

PANEL - A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

PARAPET - That portion of a building exterior wall projecting above the plate line of the building.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERMANENT SIGN - Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the Ordinance.

PLATE LINE - The point at which any part of the main roof structure first touches or bears upon an external wall.

POLITICAL SIGN - A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN - Any sign affixed to a building wall in such a manner that it's leading edge extends more than six (6) inches beyond the surface of such building or wall.

PUBLIC PROPERTY - Unless otherwise expressly provided, public property means any and all real or personal property over which the Borough or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

REAL ESTATE SIGN - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RIGHT-OF-WAY - No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

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 - Any sign mounted on the main roof portion of a building or on the topmost 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. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.

SHINGLE SIGN - A sign suspended from a roof overhang of· a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

SIGN - Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Lackawanna County, Dalton Borough, or official historic plaques of any governmental jurisdiction or agency.

SIGN WALL - Any surface (excluding windows) of a building within twenty-five (25) degrees vertical.

SPECIAL EVENT - A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

TEMPORARY SIGN - Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

TRAFFIC DIRECTIONAL SIGN - signs used at driveways to improve public safety and to enhance public access to the site from public streets, which provides information to assist the operators of vehicles in the flow of traffic. Such signs may use names logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.

WALL SIGN - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN - Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.

Section 8.3 – Procedures and Administration

A. Procedures. The procedures included in this section shall apply to all signs requiring permits.

B. Requirement of Permit. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Ordinance. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Ordinance.

1. Exempt signs as specified in Section 8.4.B.

2. Real estate, temporary construction and contractor signs.

3. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts does not alter the surface area, height, or otherwise render the sign non-conforming. (see Section 8.4.D)

C. Permit Application. Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section. The applicant shall pay the required application fee at the time when the sign application is filed. Two copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The plans shall include complete details about the size of the sign, the method of attachment or support, locations and materials to be used, and the name, address and profession of the person designing the plans and specifications. If the Zoning Officer determines that the sign will be subject to excessive stresses additional data shall be required, showing that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.

1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

2. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.

3. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.

4. Two (2) blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.

5. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the Borough.

6. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.

7. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances of the Borough.

D. Issuance of Permits Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances

of the Borough and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

E. Expiration. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

F. Permit Fees. Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution duly adopted by the Borough Council.

Section 8.4 – General Requirements

A. Prohibited Signs. All signs not expressly permitted or exempted under this Ordinance from regulation are prohibited in the Borough. Such prohibited signs include, but are not limited to the following:

1. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in Section 8.5 of this Ordinance.

2. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under the Section 8.4.B, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in Section 8.5 of this Ordinance.

3. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes, or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Ordinance.

4. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in Section 8.5 of this Ordinance.

5. Signs on Parked Vehicles - Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.

6. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation.

7. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

8. Emissions - No sign shall be permitted to emit any sound, odor or visible matter such as smoke.

B. Signs Requiring No Permits. The following signs are hereby exempt from the zoning permit

provisions of this Ordinance, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Ordinance.

1. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet for each exposed surface area.

2. Directional or Instructional Signs - Signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.

3. Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.

4. Governmental Signs - Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties.

5. Holiday Decorations - Signs orother materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.

6. Interior Signs - Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater.

7. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

8. Name and Address Plates - Wall signs, one (1) per street frontage and not exceeding one and one-half (1.5) square feet in surface area, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.

9. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet.

10. Parking Lot Directional and Instructional Signs

    (a) Directional Signs - Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.

    (b) Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.

11. Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five percent (25%) of the surface area of the· score board.

12. Plagues - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate gross surface area.

13. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties.

14. Government Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

15. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.

16. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.

17. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet in gross surface area for

each exposed face not exceeding an aggregate gross surface area of eight (8) square feet on each machine.

18. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

19. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.

C. Construction Requirements. All signs permitted by this Ordinance shall be constructed in accord with the National Electrical Code and the Dalton Borough Building Code and the provisions of this Section 8.4.C.

1. Obstruction to Exit - No sign s l be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

2. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

3. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.

4. Clearance from Surface and Underground Facilities- All signs arid supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.

5. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or 'maintained so as to interfere with any existing warning or instructional sign.

6. Traffic Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Ordinance.

7. Public Right-of-Way - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign.

D. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated. If the zoning officer has determined that a sign is not secure, safe, in good state of repair, or otherwise not in compliance with this Article XI, the Zoning Officer shall give written notice of this fact to the owner of other person

responsible for the maintenance of the sign, requiring the sign to be corrected or repaired within a specific period of time, which period shall be determined by the Zoning Officer in each case based upon the particular circumstances and whether it imposes a hazard to public safety or health or otherwise causes or creates a dangerous or hazardous condition or situation. If the defect in or condition of the sign is not corrected or repaired within the time period allowed by the Zoning Officer, the Zoning Officer shall revoke the permit to maintain the sign and, if it is not then immediately removed, to remove the sign at the expense of the owner and keep possession of it until the owner pays the cost of removal.

E. Illumination. All signs permitted by this Ordinance may be illuminated in accord with the provisions of this Section 8.4.E.

1. Type of Illumination - Illumination may be by internal, internal indirect or by indirect means.

2. Flashing - Flashing signs are prohibited in accord with Section 8.4.A.

3. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

4. Illumination of Buildings, Structures, and Areas

(a) The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage area is prohibited except during the month of December for areas in which Christmas trees are offered for sale and on a temporary basis for areas in which carnivals, fairs, or other similar activities are held.

(b) A building or other structure may be illuminated, but all lighting used for this purpose must be designated, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated road ay and surrounding property.

F. Signs on Roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof except in C-2 and M-1 Districts where signs on roofs shall be permitted provided the sign does not extend above the highest point of the roof on which it is placed.

G. Awning, Canopy, and Marquee Signs. Awning, canopy and marquee sings shall be permitted for any permitted nonresidential use in accord with the following:

1. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed sixteen {16) square feet, but shall be limited to not more than fifty (50%) percent of the gross surface area of the face of the awning, canopy, or marquee to which such sign is affixed.

2. Letters; Attachment - Letters shall not exceed ten {10) inches in height. Any awning, canopy, or marquee sign must be painted on or attached flat against the surface and

shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

3. Clearance - There shall be a minimum clearance of seven (7) feet from the sidewalk to the lowest part of the framework or fixed portion of the awning, except that the bottom of the valance of the awning's canvas or other covering shall have a minimum clearance of six (6) feet nine (9) inches above the sidewalk.

4. Illumination - Only the face area of the letters or logos may be illuminated and all illumination must be internal behind the surface of the awning, canopy or marquee.

5. Awning Valance - If sign letters or logos are place on the awning valance, no letters or logos may be placed elsewhere on the awning.

H. Changeable Panel Signs. One (1) changeable panel sign board may be erected on the lot containing one (1) or more commercial, manufacturing, industrial, public or semi-public use, referred to as business in this section, subject to the following:

1. Type - The changeable panel sign shall be a ground sign or may be attached to the same support of the permitted business identification ground sign.

2. Number - One (1) changeable panel sign may be erected on the business parcel identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located.

3. Area - The gross surface area of a changeable panel sign shall not exceed ten (10) square feet for each exposed face.

4. Location -A changeable panel sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.

5. Height - If the changeable panel sign is separate from the main freestanding sign, the changeable panel sign may not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The changeable panel sign shall be separated by a minimum of twelve (12) inches from the main ground pole sign.

6. Fuel Prices - Establishments engaged in the retail sale of fuel may also erect one additional changeable panel sign on the same frame as the main business identification sign to list fuel prices, and said sign shall not exceed six (6) square feet for each exposed face.

I. Sign Faces All signs may be multi-faced.

J. Window Signs. Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as business in this section, shall be permitted subject to the following:

1. Location - Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three (3) feet of the window pane shall be considered a window sign.

2. Area-No more than twenty five percent (25%) of any window pane that is more than three (3) feet in any dimension may be used for such signs. The area of any business identification sign shall be deducted from the total sign area allowed for the use on the property and the total of all window signs shall not exceed fifty (50) percent of the total sign area allowed for the entire business use.

3. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.

4. Illumination - Window signs may be internally illuminated

K. Freestanding Sign Landscaping. All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four (4) square feet oflandscaping for one (1) square foot of sign area, but in no case less than one hundred and twenty (120) square feet.

L. Sign Design. Signs shall be architecturally integrated with the design of the building and landscaping for the property, and other signs on the property.

M. Flags. Flags shall bepermitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as business in this section, subject to the following:

1. Business Identification - The flag shall identify the business.

2. Flag Pole -The flag shall be suspended from a pole and the maximum height shall be thirty-six (36) feet. The flag pole shall be placed within a landscaped setting of not less than one (1) square foot for every one (1) foot of each flag pole.

3. Area - The maximum area of the flag shall be twenty-four (24) feet, however this shall not apply to the United States Flag or the Commonwealth of Pennsylvania Flag.

4. Government Flags - Governmental flags provided for elsewhere in the Ordinance are not restricted by the provisions of this Section.

N. Wall Signs. Wall signs as permitted by this ordinance shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign.is attached and shall not extend more than six (6) inches from the wall, nor above or beyond the top and ends of the wall.

Section 8.5 – Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this Section.

A. General Conditions

1. Permit Required - No person shall erect, construct, repair, alter, or relocate within the Borough any temporary sign, except real estate and temporary construction signs, without first obtaining a permit from the Zoning Officer.

2. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.

3. Illumination - Temporary signs may be illuminated in accord with this Ordinance.

4. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

B. Temporary Business Signs. Temporary business signs in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

1. Number - There shall not be more then two (2) permits for temporary business signs issued for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five (5) times during one (1) calendar year for the same premises; each permit shall be issued for a maximum of seven (7) days. It is expressly stated that temporary business sign permits shall be issued under one method or the alternative and that the methods may not be used jointly or in combination during any one (1) calendar year.

2. Area - Temporary business signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face.

3. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

4. Height - Temporary business signs shall not project higher than fifteen (15) feet, as measured from the average grade of the associated principal use or structure.

C. Temporary Development Signs. Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

1. Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

2. Area

   (a) Residential Districts - In residential districts, temporary construction signs shall not exceed eight (8) square feet in gross surface area for each exposed face.

   (b) Non-Residential Districts - In non-residential districts, temporary construction signs shall not sixteen (16) exceed square feet in gross surface area for each exposed face.

3. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.

4. Height -Temporary construction signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

5. Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

D. Temporary Event Signs (including Banners). Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

1. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed sixteen (16) square feet for each exposed face.

2. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.

3. Limit on Number of Permits - No more then two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

E. Temporary Political Signs. Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

1. Location - On private property, temporary political signs may be located in any required yard, but shall not be affixed to a utility pole or structure, or to a fence, tree, shrub, rock, or other natural objects, other than on an owner's individual property. Failure to remove any such prohibited sign shall empower the Zoning Officer to remove it at the expense of the owner.

2. Area - Temporary political signs shall exceed twelve (12) square feet for each exposed face.

3. Timing - Temporary political signs may be erected or maintained for a period not to exceed thirty (30) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate is responsible for all political signs of candidates of the party if they are located in the public right-of-way.

F. Temporary Real Estate Signs. Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

1. Number - There shall be not more then one (1) temporary real estate sign for each lot except that where a lot abuts two (2) or more streets, one (1) additional sign, oriented to each abutting street, shall be permitted.

2. Area - In Rural Resource District, Rural Single Family Residential District and Village Mixed Use District, temporary real estate signs shall not exceed six (6) square feet for each exposed face. In the Commercial-Industrial District, temporary real estate signs shall not exceed thirty-two (32) square feet for each exposed face.

3. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

4. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

5. Special Conditions -Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

G. Temporary Contractor or Subcontractor Signs. Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

1. Number - There shall be not more then one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.

2. Area- Such sign shall not exceed six (6) square feet for each exposed face in the Rural Resource District, Rural Single Family Residential District and the Village Mixed Use District or twelve (12) square feet for each exposed face in the Commercial Industrial District; or one sign that includes all of the participating parties shall not exceed twenty four (24) square feet for each exposed face in Rural Resource District, Rural Single Family Residential District and the Village Mixed Use District and forty-eight (48) square feet for each exposed face in Commercial Industrial District.

3. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the) contractor or subcontractor is working. Such signs may be

located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

4. Height - Temporary contractor or subcontractor signs shall not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

5. Special Conditions - Temporary contractor or subcontractor signs shall be removed immediately upon I

H. Temporary Yard or Garage Sale, Open House, or Auction Signs. Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

1. Number - For each sale, there shall not be more then two (2) such temporary signs at each street intersection.

2. Area - Such signs shall not exceed four (4) square feet for each exposed face.

3. Location - Such signs may be located within the street or road right-of-way but not beyond the edge of the street shoulder or curb. Any such temporary signs shall be self-supported and shall not create a public hazard. No such sign shall be placed in any Borough park.

4. Height - Such temporary signs shall not exceed four (4) feet in height.

5. Timing - Such temporary signs may be erected no sooner than two(2) days before the event and must be removed immediately after the event.

Section 8.6 – Residential Uses

A. Building Name and Address Signs. Building name and address signs shall comply with Borough Ordinance No. 8-1990.

B. Residential Development Road Entrance Signs. Residential development road entrance signs for developments with two (2) or more buildings with a total of twenty (20) or more dwelling units indicating only the name of the development, including single-family, two-family, and multi- family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

1. The residential development road entrance signs shall be ground signs.

2. Number -There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development.

3. Area - Residential development road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.

4. Location - Residential development road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

5. Height- Residential development road entrance signs shall not project higher then five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

6. Sign Faces -Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

C. Exempt Signs. Exempt signs as specified in Section 8.4.B of this Ordinance.

D. Temporary Signs. Temporary signs as specified in Section 8.5 of this Ordinance.

Section 8.7 – Commercial, Manufacturing, Public Use And Semi-public Use Signs.

For all commercial, manufacturing, industrial, public and semi-public uses, referred to as business in this section, only the following signs are permitted and then only if accessory and incidental to a permitted use, and such signs shall be subject to the requirements of this Section and any other special provisions contained in this ordinance:

A. Individual Business Identification Signs. The provisions of this Section shall apply to parcels upon which an individual business is located.

1. Building Wall Signs (See definition of wall sign.)

(a) Area -The aggregate surface area of wall signs shall not exceed twenty (20) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed but not to exceed two- hundred (200) square feet in Commercial Industrial District and sixty-four (64) square feet in all other districts. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(b) Location -A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

(c) Height -A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

2. Freestanding or Projecting Business Identification Signs - Freestanding business identifications signs shall be subject to the following:

(a) Number -There shall not be more than one (1) freestanding or projecting business identification sign for each lot.

(b) Area - The surface area of each face of the business identification sign shall not exceed fifty (50) square feet in the Commercial Industrial District. In all other districts, the surface area of each face of a freestanding business identification sign shall not exceed twenty (20) square feet and nine (9) square feet for projecting signs.

(c) Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.

(d) Height -A freestanding business identification sign shall not project higher than fifteen (15) feet. The bottom of a projecting sign shall have a minimum clearance of nine (9) feet above the sidewalk.

B. Shopping Center and Multiple Occupant Business Identification Signs. The provisions of this Section shall apply to developments in which two (2) or more businesses are housed in one (1) or more a principal structures.

1. Building Wall Signs

(a) Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to'. each abutting street shall be permitted.

(b) Area -The surface area of a wall sign shall not exceed ten (10) percent of the occupant's proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(c) Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

(d) Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

2. Freestanding Business Identification Signs -Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:

(a) Number - There shall not be more than one (1) freestanding business identification sign for each development.

(b) Area - The surface area of a freestanding business identification sign shall not exceed a maximum of fifty (50) square feet.

(c) Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.

(d) Height - A freestanding business identification sign shall not project higher than fifteen (15) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.

(e) Individual Occupant Identification - The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies thirty percent (30%) or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face for each occupant in the development.

C. Business Subdivision Road Entrance Signs. Business subdivision road entrance signs for developments with two (2) or more commercial, manufacturing, industrial, public and semi-public buildings, referred to as business in this section, indicating only the name of the development shall be subject to the following:

1. Type - The business subdivision road entrance signs shall be ground signs.

2. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development.

3. Area - Business subdivision road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.

4. Location -Business subdivision road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

5. Height - Business subdivision road entrance signs shall not project higher then five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

6. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (I) such sign is used at a road entrance.

D. Automatic Teller Machine (ATM) Signs. ATM signs shall be permitted in association with an approved commercial use subject to the following:

1. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.

2. Area - The area of any such sign shall not exceed ten (10) feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.

3. Permit - No sign permit shall be required for such sign.

E. Business Directional Signs. The intent of this section is to allow commercial, manufacturing, industrial, and institutional uses, referred to as business in this section, located in Dalton Borough and which do not front on State Route 6/11 to erect temporary signs directing the public to the business.

1. Number - There shall not be more than two (2) directional signs (and only one sign at each location where erected) for each parcel ofland eligible for such signs. In the case of multi-businesses on the same parcel, each business shall not be eligible for signs; instead, the dir ctional signs shall refer to the parcel as a whole.

2. Area -The surface area of each sign shall not exceed six (6) square feet for each exposed face.

3. Height-A directional sign shall not project higher than ten (10) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.

4. Sign Information - The information on the sign shall be limited to the business name, logo, telephone number and directional information.

5. Property Owner Permission - The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.

6. Temporary Nature of Signs - All business directional signs shall be considered temporary signs in terms of nonconformity status should the number of signs erected in the Borough dictate the imposition of limitations on such numbers to protect the public health, safety and welfare. Any such signs which do not comply with any subsequent amendment of this Ordinance shall be brought into compliance, including removal of the sign if required by any new or amended regulations adopted by the Borough.

Section 8.8 – Off-Premises Advertising Signs and Billboards

The intent of this Section is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter in the Borough, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards may be erected and maintained only on parcels in the Commercial Industrial District fronting on State Route 6/11 in accord with the requirements of this Section and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

A. Principal Use. Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.

B. Illumination: Movement. Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices, moving parts, changing text and animation shall be prohibited.

C. Setbacks. Off-premises advertising signs and billboards shall not be less than ten (10) feet from the public right-of-way and not less than twenty-five (25) feet from and side or rear lot line.

D. Height of Signs. No off-premises advertising sign or billboard shall project more than twenty-five (25) feet above the grade of the closest point of the road surface of Route 6/11.

E. Maximum Area of Off-Premises Advertising Signs and Billboards

1. The total surface area of each face of any such sign exclusive of structural supports and trim shall not exceed in square feet, four (4) times the frontage of the lot or tract on which it stands, but in no case more than three hundred (300) square feet.

2. A sign structure may be double-sided but shall contain only one (1) sign per facing.

F. Spacing of Off-Premises Advertising Signs and Billboards:

1. No off-premises advertising sign or billboard shall be permitted within one five hundred (500) feet of another off-premises advertising sign or billboard, measured in all directions; The separation distance shall be measured between the closest points of the two (2) signs in question.

2. No off-premises advertising sign or billboard shall be permitted within two hundred (200) of any dwelling or Residential District in the Borough or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot or residential District in question.

3. No off-premises advertising sign or billboard shall be permitted within two hundred (200) feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.

4. No off-premises advertising sign or billboard shall be constructed at an angle of less than forty-five (45) degrees to the right-of-way upon which it fronts.

G. Engineering Certification. Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

Section 8.9 – Nonconforming Signs

A. Legal, Non-Conforming Signs. Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal non-conforming sign.

B. Maintenance and Repair of Legal Non-Conforming Signs. Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50%) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

C. Abandonment - See Section 9.2.D

Section 8.10 – Removal of Certain Signs

D. Obsolete Signs. Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. If the Zoning Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within ninety (90) days upon the cessation of such business or sale of such product, he shall give written notices to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be affected within ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

E. Unsafe Signs. If the Zoning Officer shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition which caused the Zoning Officer to give such notice shall be effected within

ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

ARTICLE 9
Nonconformities

Section 9.1 – Intent and Applicability

F. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.

G. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this Section and subject to the following criteria and standards:

1. The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.

2. The alteration or extension does not constitute the addition of a new nonconforming use or structure.

3. The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.

4. The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

Section 9.2 – Nonconforming Uses

B. Expansion of Nonconforming Residential Uses.

An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:

1. The number of dwelling units is not increased;

2. The expansion meets all applicable setbacks;

3. No new types of nonconformities are created; and

4. A nonconformity is not made more severe (including the building area within the required setback area).

C. Expansion of Nonconforming Nonresidential Uses.

A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1. An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 10.

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

3. The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

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

D. Abandonment of Nonconforming Uses.

If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

E. Nonconforming Outdoor Storage Activities.

If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.

F. Change from One Nonconforming Use to Another.

1. Once changed to a conforming use, such use shall not revert to a nonconforming use.

2. A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:

   (a) Traffic generation (especially truck traffic);

   (b) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;

   (c) Amount and character of outdoor storage;

   (d) Hours of operation if the use would be close to dwellings; and

   (e) Compatibility with the character of the surrounding area.

G. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

Section 9.3 – Nonconforming Structures

A. Reconstruction or Expansion of Nonconforming Structures.

1. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:

(a) Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and

(b) Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.

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

B. Damaged or Destroyed Nonconforming Structures.

1. A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.

2. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.

3. Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

C. Abandonment of Nonconforming Structures.

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

D. New Construction and Building Permits.

1. New Construction.

   To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Building Permits and Nonconformities.

   When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit

Section 9.4 – Nonconforming Lots of Record

A. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1. Has a minimum width of 100 feet measured at the minimum building setback line;

2. Has a minimum lot area of 0.5 acres;

3. Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and

4. Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

B. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of Dalton Borough.

Section 9.5 – Registration of Nonconformities

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

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ARTICLE 10
Zoning Hearing Board

Section 10.1 – Organization and Procedure

A. Organization.

1. The Dalton Borough Zoning Hearing 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 Zoning Hearing Board, but the Zoning Hearing 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 Zoning Hearing Board as provided in Subsection E.

2. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of Dalton Borough and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of Dalton Borough. The Zoning Hearing Board shall submit reports of its activities to the Dalton Borough Council when requested.

B. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of five (5) residents of Dalton Borough appointed by the Dalton Borough Council by resolution. Their terms of office shall be five (5) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Dalton Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in Dalton Borough.

C. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by majority vote of the Dalton Borough Council, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1. The name and address of the applicant;

2. The name and address of the owner of the real estate involved in the appeal;

3. A brief description and location of the real estate involved in the appeal;

4. A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;

5. Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;

6. An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;

7. A plot plan of the involved real estate as required to accompany applications for permits; and

8. An application fee, in an amount as established from time to time by resolution of the Dalton Borough Council, payable to Dalton Borough.

E. Conduct of Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

F. Expenditures for Services.

Within the limits of funds appropriated by the Dalton Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Dalton Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Dalton Borough Council.

Section 10.2 – Zoning Hearing Board Functions

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Dalton Borough Council;

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;

C. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-deist order or the registration or refusal to register any nonconforming use, structure, or lot;

D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;

E. Applications for variances from the terms of this Ordinance;

F. Applications for uses by special exception under the terms of this Ordinance;

G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;

H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and

I. Appeals from any determination of the Borough Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

Section 10.3 – Variances

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:

1. 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 lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the lot is located;

2. 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 this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;

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

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

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

B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

C. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

Section 10.4 – Uses by Special Exception

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Scranton-Abingtons Planning Association Comprehensive Plan, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Section 6.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

Section 10.5 – Parties Appellant Before the Board

Appeals under Section 10.2, subsections A, B, C, D, G, H, and I, may be filed in writing with the Zoning Hearing Board by:

A. The landowner affected;

B. Any officer or agency of the Borough; or

C. Any person aggrieved.

Section 10.6 – Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

A. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

B. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons

who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.

C. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

E. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.

F. The first hearing before the Zoning Hearing Board or the 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.

G. 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.

H. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.

I. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.

J. 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 the Borough, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

K. The Zoning Hearing 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an 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.

L. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded

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

M. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

N. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.

O. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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.

P. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.

Q. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

Section 10.7 – Mediation

A. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation;

2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;

3. Completing mediation, including time limits for such completion;

4. Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the Borough, if either is not a party to the mediation;

5. Identifying all parties and affording them the opportunity to participate;

6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and

7. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 10.8 – Time Limitations

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.

B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

Section 10.9 – Appeals to Court and Other Administrative Proceedings

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

ARTICLE 11
Administration and Enforcement

Section 11.1 – Permits and Certificates

A. Applications for Zoning Permits, Certificates of Use and Occupancy, and Building Permits.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Borough to review said applications for full compliance with the provisions of this and other applicable ordinances. The Borough reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

B. Permits.

1. Zoning Permits.

(a) A zoning permit shall be required prior to:

(1) A change in use of land or structure;

(2) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding $500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay , regardless of cost;

(3) The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;

(4) The alteration or development of any improved or unimproved real estate; and

(5) The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

(b) No zoning permit shall be required for the following:

(1) The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than $500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay , regardless of cost;

(2) Ordinary repair to existing structures, except signs;

(3) Light fixtures for single-family and two-family dwellings complying with the provisions of Section 5.10;

(4) Sidewalks or walkways on grade;

(5) Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;

(6) Handrails along sidewalk or walkway steps;

(7) Access drives;

(8) Parking spaces for dwellings having three (3) or fewer dwelling units;

(9) Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;

(10) Vegetation, including trees, landscaping, and vegetative buffering;

(11) Landscaping materials, excluding patios, decks, and porches;

(12) Decorative lawn ornaments and walls not exceeding 32 inches in height;

(13) Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;

(14) Stormwater management facilities;

(15) Traffic control devices located within a public right-of-way or governmental easement;

(16) Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;

(17) Railroad sidings;

(18) Public transit stops involving surface improvements only;

(19) Signs specifically exempted from permit; and

(20) Temporary construction buildings or trailers as permitted in Section 5.19, Subsection A.

(c) A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:

(1) All applicable regulations of this Ordinance;

(2) Any conditions imposed upon the site by the Dalton Borough Zoning Hearing Board or the Dalton Borough Council; and

(3) Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Dalton Borough.

(d) Application Procedures.

(1) Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.

(2) An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.

(3) The Zoning Officer may consult with or call upon other Borough staff and/or Borough-appointed consultants in the review of submitted materials for applications.

(4) Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Borough Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.

(5) The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.

(6) No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Dalton Borough Council, is paid to the Dalton Borough. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Dalton Borough Council shall be doubled to reflect the additional expense incurred by the Dalton Borough resulting from the need to inspect the property, respond to any complaints, issue any

enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

(7) In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.

(8) An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.

(9) The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.

(10) The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.

(11) All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

(e) General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

(1) The actual dimensions and shape of the lot to be developed;

(2) The exact location and dimensions of any structures to be erected, constructed, and/or altered;

(3) Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;

(4) The location and number of off-street parking and loading spaces;

(5) Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;

(6) Alteration or development of any improved or unimproved real estate;

(7) Two (2) copies of any approved highway occupancy or driveway permits;

(8) Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 4;

(9) Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and

(10) Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

(f) Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

(1) A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;

(2) A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;

(3) A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;

(4) Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;

(5) The proposed number of shifts to be worked and the maximum number of employees on each shift; and

(6) Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

2. Certificates of Use and Occupancy.

(a) It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.

(b) The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.

(c) The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.

(d) The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.

(e) Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.

(f) A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Borough or which abuts upon a street which has been paved with a base wearing course.

(g) The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.

(h) If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.

3. Building Permits.

(a) Building permit administration shall be governed by provisions of the current building code adopted by Dalton Borough; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.

(b) The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.

(c) The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

Section 11.2 – Zoning Officer

A. Appointment and Powers of the Zoning Officer.

It shall be the duty of the Zoning Officer to:

1. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 9;

2. Initiate enforcement proceedings;

3. Receive all fees to the Borough as required by this Ordinance and to post a schedule of fees in the Dalton Borough Office;

4. Receive complaints and notify persons of violations of the provisions of this Ordinance;

5. Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;

6. Present to the Dalton Borough Council, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;

7. Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the Dalton Borough Council and other Dalton Borough officials;

8. Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and

9. To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Dalton Borough Council.

Section 11.3 – Fees

A. The Dalton Borough Council shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.

B. The schedule of fees shall be available in the Dalton Borough Office.

C. All such fees shall be payable to Dalton Borough.

D. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.

Section 11.4 – Violations, Penalties, and Remedies

A. 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 Dalton Borough Council or an officer of the Borough, with the approval of the Dalton Borough Council, 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 to be instituted by a landowner or tenant, notice of that action shall be served upon Borough at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Dalton Borough Council. No such action may be instituted until such notice has been given.

B. Enforcement Notices.

1. If it appears to the Borough that a violation of this Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.

2. 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.

3. An enforcement notice shall be in writing and shall state at least the following:

(a) The name of the owner of record and any other person against whom the Borough intends to take action;

(b) The location of the property in violation;

(c) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;

(d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

(e) A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and

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

4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

C. Penalties and Remedies.

1. District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.

2. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

3. The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

4. Nothing contained in this Ordinance 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 Ordinance.

Section 11.5 – Planning Commission

The Dalton Borough Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Dalton Borough Council in the administration of this Ordinance and the adopted subdivision and land development regulations of Dalton Borough.

A. Membership.

1. The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of Borough. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Borough.

2. The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.

3. When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Dalton Borough Council, upon which a member of the Dalton Borough Council shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

B. Duties.

The Planning Commission shall, at the request of the Dalton Borough Council, have the power and shall be required to, at the request of the Dalton Borough Council:

1. Represent the Borough in the development of the Scranton-Abingtons Planning Association Comprehensive Plan and any future comprehensive plan;

2. Maintain and keep records of its actions, which shall be in the possession of the Dalton Borough Council;

3. Make recommendations to the Dalton Borough Council concerning adoption or amendment of an official map;

4. Prepare and present to the Dalton Borough Council a zoning ordinance and make recommendations to the Dalton Borough Council on proposed amendments to it; and

5. Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

Section 11.6 – Amendments

A. Publication, Advertisement, and Availability of Ordinances and Amendments.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

B. Zoning Map Amendments (Rezoning).

1. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Scranton-Abingtons Planning Association Comprehensive Plan.

2. Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

(a) Statement of existing and proposed base and overlay zoning districts;

(b) Conceptual site development plan;

(c) Topographic survey;

(d) Site conditions report;

(e) Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;

(f) Off-street parking projections (number of parking spaces) available on site;

(g) A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;

(h) Other related studies that the Borough may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:

(1) Traffic impact study;

(2) Fiscal impact analysis;

(3) Density comparison between existing and proposed zoning districts; and/or

(4) Geotechnical/stormwater analysis.

3. Review of Rezoning Applications.

(a) The Zoning Officer will:

(1) Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the

applicant. A completed application and packet will be forwarded to the Borough and Lackawanna County planning commissions for review;

(2) Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and

(3) Submit a written recommendation to the Planning Commission and the Dalton Borough Council, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Scranton-Abingtons Planning Association Comprehensive Plan;

(b) As part of the rezoning approval process, the Dalton Borough Council and Planning Commission can consider the motivation and implications of each plan, analysis, and report.

(c) The Planning Commission will:

(1) Consider any projected beneficial and/or detrimental effects on the Borough and hold a public hearing on the application, if deemed applicable; and

(2) Forward to the Dalton Borough Council a recommendation for the nature of action regarding rezoning.

(d) The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Dalton Borough Council and Planning Commission.

(e) The Dalton Borough Council will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

C. Zoning Ordinance Amendments.

The Dalton Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

D. Curative Amendments.

1. Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to Dalton Borough a curative amendment, any fees established by resolution of the Borough, and a written request that his challenge and proposed amendment be heard and decided as

provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Dalton Borough Council shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

2. Municipal Curative Amendments.

   If the Dalton Borough Council determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

BOROUGH OF DALTON

COUNTY OF LACKAWANNA

COMMONWEALTH OF PENNSYLVANIA

FILE OF COUNCIL OF DALTON BOROUGH

ORDINANCE NO. 3 of 2021

AN ORDINANCE OF THE BOROUGH OF DALTON ESTABLISHING REGULATIONS AND RESTRICTIONS FOR THE LOCATION AND USE OF LOTS, LAND, BUILDINGS, AND OTHER STRUCTURES; THE HEIGHT, NUMBER OF STORIES, AND SIZE AND BULK OF BUILDINGS AND STRUCTURES; THE DENSITY OF POPULATION; OFF-STREET PARKING; AND SIMILAR ACCESSORY REGULATIONS IN DALTON BOROUGH, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AND FOR SAID PURPOSES DIVIDING DALTON BOROUGH INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF, PRESCRIBING CERTAIN UNIFORM REGULATIONS FOR EACH SUCH DISTRICT, AND PROVIDING FOR ADMINISTRATIVE ENFORCEMENT AND AMENDMENT OF ITS PROVISIONS IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC), 53 P.S. SECTION 10101 et seq., AS AMENDED. FURTHER PROVIDING THAT THE PREVIOUS DALTON BOROUGH ZONING ORDINANCE ADOPTED NOVEMBER 13, 2003 AS THE BOROUGH OF DALTON ZONING ORDINANCE AND ANY AND ALL AMENDMENT THERETO ARE HEREBY REPEALED.

WHEREAS, it is the duty and function of the Scranton-Abingtons Planning Association ("SAPA") to prepare and recommend zoning regulations in the Borough of Dalton ("Borough"); and,

WHEREAS, SAPA has prepared a Comprehensive Plan which includes a comprehensive rezoning of the Borough; and,

WHEREAS, in order to implement the recommendations of SAPA and its Comprehensive Plan, the Borough has determined that it must adopt a new Ordinance which establishes updated procedures and standards needed to better address the policies, goals and objectives set forth in SAPA's Comprehensive Plan; and,

WHEREAS, the Borough has received no comments from the Lackawanna County Planning Commission within forty-five (45) days of submission of the Ordinance which would require substantial changes to the Ordinance; and,

WHEREAS, pursuant to public notice, the Borough of Council of the Borough of Dalton ("Borough Council") held a public hearing regarding the Ordinance on April 8, 2021; and,

WHEREAS, Borough Council, after consideration of comments received (or lack thereof, as the case may be), has determined that the Ordinance should not be substantially revised in whole or in part.

NOW THEREFORE, BE IT ENACTED, by the Council of the Borough of Dalton, and by authority of same, that the Ordinance; known as the "Dalton Borough Zoning Ordinance", in the form attached hereto, and including the maps, charts, textual matter and other matters intended to form the whole Ordinance is hereby enacted and ordained to become effective in accordance with the effective date set forth in the Ordinance.

BE IT FURTHER ENACTED that the previous Dalton Borough Zoning Ordinance adopted November 13, 2003 as the Borough of Dalton Zoning Ordinance and any and all amendments thereto are hereby appealed as of the effective date of this Ordinance as set forth in the body of the Ordinance.

SECTION I. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, clauses, sections or parts of this

Ordinance. It is hereby declared as the intent of the Borough of Dalton that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION II. EFFECTIVE DATE. In accordance with the 2021 Scranton-Abingtons Planning Association (SAPA) agreement, the effective implementation date of this Ordinance shall be upon the latest date of Zoning Ordinance adoption as conducted by all nine participating SAPA municipalities.

SECTION III. REPEALER. It is intended that as of the effective date set forth above the prior Zoning Ordinance of the Borough of Dalton adopted November 13, 2003 and any and all amendments to that Ordinance are repealed.

SECTION IV. This Ordinance is enacted by the Council of the Borough of Dalton under the authority of the Act of Legislature, February 1, 1966, P.L. (1965) No. 581 Section 1005, as amended 1979, November 2, P.L. 458 No. 94, 53 P.S. Section 46005, et seq.; as re-enacted and amended May 17, 2012, P.L. 262, No. 43, known as the Borough Code and any and all other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Approved and enacted the 8TH day of APRIL, 2021.

ATTEST:

Joanne Davies
Secretary/Treasurer Dalton Borough

William Brandt
President, Dalton Borough Council

ATTEST:

Joanne Davies
Secretary/Treasurer Dalton Borough

Aaron Holzman
Mayor, Dalton Borough

Passed by Dalton Borough Council the 8TH day of APRIL 2021, Receiving the affirmative votes of 7

Negative votes of 0