BOROUGH OF CLARKS SUMMIT

COUNTY OF LACKAWANNA

COMMONWEALTH OF PENNSYLVNAIA

ORDINANCE NO. 2020-04

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT DIVIDING THE BOROUGH INTO VARIOUS ZONING DISTRICTS AND REGULATING THE CONSTURCTION, ALTERATION AND USE OF STRUCTURES AND LAND WITHIN EACH DISTRICT; PROVIDING FOR THE ADMINISTRATION OF THIS ORDIANCE; AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDIANCE

Prepared by: Environmental Planning & Design, LLC

WHEREAS, it is the duty and function of the Scranton-Abingtons Planning Association ("SAPA") to prepare and recommend zoning regulations in the Borough of Clarks Summit

("Borough"); and

WHEREAS, SAPA has prepared a Comprehensive Plan which includes a comprehensive rezoning of the Borough;

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 Council of the Borough of Clarks Summit ("Borough Council") held a public hearing regarding the Ordinance on December 2, 2020; and

WHEREAS, the 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 Borough Council, and by authority of same, that the Ordinance; known as the “Clarks Summit 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 immediately upon passage.

BE IT FURTHER ENACTED that the previous Clarks Summit Borough Zoning Ordinance adopted on December 2, 2020 as the Borough of Clarks Summit Ordinance No. 2020-04, and any all amendment thereto are hereby repealed.

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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 Clarks Summit Borough, Lackawanna County, Pennsylvania, and for said purposes dividing Clarks Summit 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 "Clarks Summit 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, protect the constitutional rights of residents; 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 Clarks Summit 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 Clarks Summit 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.

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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 Clarks Summit 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 Clarks Summit 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 Clarks Summit 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 Clarks Summit 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 Clarks Summit Borough Council hereby enacts and ordains into an ordinance this document on the date of Month and Day, 202_. All zoning ordinances of Clarks Summit Borough previously in adoption are hereby repealed.

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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 Clarks Summit 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.”

M. All regulations cited are “as amended”.

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, and any subsequent amendments, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

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ABUSED PERSON SHELTER - A residential shelter use in which rooms are provided to serve as a 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 said persons transition to their respective safe, permanent living arrangement(s).

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.

ACCESSORY USE - A use customary, incidental, and subordinate to the principal use or building and located on the same lot with such principal use or building.

ACCESSORY STRUCTURE - A structure, such as a private garage, storage shed, gazebo, or greenhouse, that is customary, incidental and subordinate to the use of the principal building and located on the same lot as the principal building.

ADDITION - See "extension."

AGRICULTURAL PROCESSING ARTISAN - Limited, micro-scale transformation of raw materials or food by the owner and/or owner's immediate family, but not to include more than one employee.

ALLEY - An ancillary 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.

ALTERATION, STRUCTURAL - Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders, or interior partitions or any enlargement to or diminution of a building or structure, or the moving of a building from one location to another.

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

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

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

ASSISTED LIVING FACILITY - A building, establishment, complex or distinct part thereof which: a) accepts primarily aged persons (62 years of age or older) for domiciliary care; and b) provides on-site care to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract medical services as prescribed by each resident's treating physician.

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BAKERY - An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on- or off-site. 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.

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.

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.

BOROUGH COUNCIL - The governing body of the Borough of Clarks Summit.

BOROUGH ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Clarks Summit Borough.

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.

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 land development.

BULK FUEL STORAGE FACILITY - Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in large-volume tanks for distribution to wholesale establishments or individual users or storage of large-quantities (>100) of smaller tanks, cans, or portable fuel containers.

BUS TERMINAL - Area and/or building where buses are stored or parked on a regular basis excluding bus maintenance and repair facilities

BUSINESS SERVICE ESTABLISHMENT - An establishment engaged in rendering services to business establishments on a fee or contract basis or infrequently to the general public 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.

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.

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

CARPORT, PRIVATE - A roofed structure not more than seventy-five (75) percent enclosed by walls and attached 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 Borough, 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.

COLLEGE OR UNIVERSITY - An institution or higher learning authorized to grant associates, bachelors, masters, professional, and/or doctorates degrees.

COMMERCIAL RECREATION FACILITY, INDOOR - An establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of full-enclosed and roofed 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.

COMMERCIAL RECREATION FACILITY, LARGE-SCALE/INTENSIVE - A establishment owned by a private-sector entity where the principal enterprise or activity involves the provision of outdoor recreational, amusement, and leisure activities, such as, but not limited to: tennis courts, sand volleyball courts, miniature golf courses, driving ranges, outdoor riflery or archery, outdoor batting cages, playing fields, outdoor swimming pools, beaches, and bumper car tracks, but not to include “golf courses.”

COMMERCIAL RECREATION FACILITY, OUTDOOR - A use that: a) has a total building coverage of less than 15%, b) Is used principally for active or passive recreation (such as a driving range) and c) Is used for a profit-making purpose.

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, "treatment center," or other uses not enumerated.

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COMPREHENSIVE PLAN - A proactive and constitutionally-derived document adopted by the Borough to address community stabilization, community growth-management, community development, and the future vision of the community. A comprehensive plan relies on informed analysis, data, and broad community input to provide a general blueprint for sound, information-based, and objective community planning. A zoning ordinance generally implements the comprehensive plan. See MPC §303(d). The use of the term Comprehensive Plan in this Ordinance includes any amendments or revisions to the comprehensive plan.

CONFERENCE CENTER - A facility that is constructed for and devoted to accommodating meetings by providing meeting space.

CONSERVATION - Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

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 basic 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, typically equipped with prosumer (production by consumer) style tools or specializing in agile or modular tooling, and/or equipped to produce and/or repair technical works with low-volume runs.

CRAFTSMAN-ARTISAN WORKSHOP - An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually crafted works, including but not limited to artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, metals and related items.

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

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 - Any premises, that is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

DAY CARE CENTER, CHILD - A business establishment that is licensed by the Pennsylvania Department of Welfare as a “day care center” where care is provided for twelve (12) or more children under sixteen (16) years of age for less than twenty-four (24) hours per day.

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.

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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 childcare areas are being used as a family residence, and where such facility is required to be registered with the PA Department of Public Welfare under the PA Public Welfare Code.

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, nor shall it include 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.

DISTRIBUTION CENTER - A fully-enclosed facility intended and used for the transient storage of merchandise or commodities for a short period of time and with rapid turn-over; additional operations may occur such as cross-docking, order fulfillment, returned goods processing, packaging, and labeling.

DISTRICT - All land and watercourses located within designated boundaries on the Official Zoning Map; also known as a zoning district.

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*.

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

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

DWELLING: ACCESSORY (GRANNY FLAT/GARAGE APARTMENT) - A residential dwelling unit within the same building as and designed as integral to the principal single-family dwelling unit on the lot. A living area especially created for and limited to occupancy by a person who is "related" (see definition) to the permanent residents of the principal dwelling unit. Such use shall be restricted to a relative who needs such accommodations because of old age; developmental disability; illness; physical handicap; and/or mental illness that does not threaten physical harm to others. (See standards in sect 606). See design requirement in 606.4

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

ERECTION - Construction or assembly.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles,

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wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers or any other use and/or activity precluded by the Public Utilities Commission shall not be considered essential services for the purposes of this Chapter.

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, an increase in height or depth of the structure, or an increase in that portion of a lot occupied by an existing use; also known as an enlargement.

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

FAMILY -

A. An individual, or two or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof, or a group of not more than three unrelated persons living together without supervision in a dwelling unit or not more than five persons living together in a group living arrangements with supervision, provided that the group living arrangements meet all of the following criteria:

   1. They provide nonroutine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental retardation, or other handicap or disability as defined by the Fair Housing Amendments Act or the Americans with Disabilities Act;

   2. They provide for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;

   3. They do not involve the housing of persons on a transient basis; and

   4. They do not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court or agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution.

B. “Family" shall not include persons living together in a group-care home, halfway house, personal-care home, as defined herein, or any other supervised group living arrangement for persons not protected by the Fair Housing Amendments Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

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

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

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.

FORESTRY - Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FOWL - A domesticated 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; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, (5) facilities for cremation as an accessory use. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

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.

GARAGE - A building, structure, or part thereof, used for the parking and storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

GASOLINE SERVICE STATION - A structure, building, or area of land or any portion the thereof that is used for the sale of petroleum products and additives, such as 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.

GOLF COURSE OR COUNTRY CLUB - A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters, where said activities comply with all other provisions within the Borough's Ordinances, including but not limited to noise, lighting, hours of operation.

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 but not to include food services, beverage services, or non-golf services.

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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.

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 primarily grown on the site or from an industry-recognized consortium of growers and having outside storage, growing, or display.

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

GROCERY STORE - Retail location for the purveying and/or selling of predominantly food stuffs and other related living essentials.

GROSS - A total amount.

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:

A. Involves the care of up to the maximum number of persons permissible in accordance with the regulations of the Commonwealth.

B. Involves persons functioning as a single, family unit household

C. 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.

D. Does not meet the definition of a "treatment center."

E. 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."

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*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 - A village-scale retail store where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold but not to include a lumber yard or building supplies yard.

HEALTH/FITNESS CLUB - An establishment where the principal enterprise conducted involves the provision of indoor wellness activities such as fitness training, saunas, athletic courts, yoga, and indoor swimming pools.

HEIGHT - The maximum height of a building and/or structure measured from the average finished grade at 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 an official supplementary Airport Overlay Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

HOME BASED BUSINESS, NO IMPACT - Defined by Pennsylvania Statute as may be amended from time-time or, otherwise if unavailable, as a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, whereas 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 functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

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

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

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

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

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

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

H. 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

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dwelling unit, and, whereas, there shall be a maximum of two said accessory uses within any one dwelling unit. Unlike a statutorily-defined No-Impact Home Based Business, Home Occupations provide ample opportunity for on-site customers and therefore, also permit restricted signage opportunity.

HONEYBEE - Honeybees are limited to European races of *apis mellifera*.

HOTEL - A building used primarily for providing more than 10 transient lodging accommodations on a daily-rate basis to the general public in which the lodging rooms provide no cooking facilities.

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.

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

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 materially limit infiltration.

INDUSTRIAL PARK - A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

JUNK - any worn out or discarded materials including but not limited to scrap metal inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse and shall be regulated as a warehouse.

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.

   1. Any division of a lot into 2 or more lots, including leases, is considered a subdivision.

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2. Any change in a lot line, including the elimination of a line between two lots by combination, is also considered a subdivision.

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

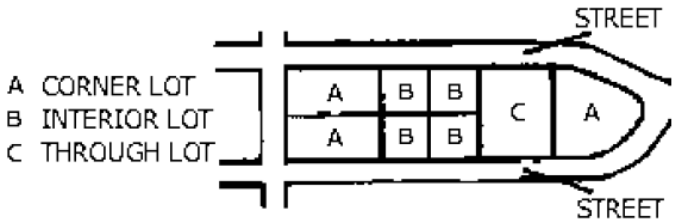
LAUNDROMAT/DRY CLEANERS - A self-service facility containing clothes washing machines and dryers and are open for use to the general public.

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:

MANUFACTURING, HEAVY - Establishment engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such a lubricating oils,

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plastics, resins, liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or the environmentally regulated processes.

MANUFACTURING, LIGHT - Facilities involving generally unobtrusive processes and 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.

MIXED USE STRUCTURE - 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 portable, non-vehicular, storage units.

MOTEL - See Hotel

MPC - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 et seq., as reenacted and amended. By convention, the Borough's references to the MPC may use the abbreviated section nomenclature whereas, for example, 53 P.S. §10301 is typically referenced as simply §301. Use of the abbreviated terms shall not affect or alter any applicability of the MPC.

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.

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

NURSING HOME - A facility licensed as such by the Commonwealth for the housing and provision of skilled nursing care of three or more persons needing said permitted care, but such use shall not Include 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-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

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.

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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, but are not limited to, 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."

PERVIOUS SURFACE - A surface that promotes the infiltration of rain water in to the ground. Examples may include, lawn, soft landscape areas, wooded areas, engineered infiltration areas, pervious paving materials, etc.

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 (2) 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 Clarks Summit Borough Planning Commission, Borough of Clarks Summit, 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.

PRIVATE RECREATIONAL FACILITIES AND EQUIPMENT - Equipment and facilities customarily used for recreation, sports, or play, and primarily available for private use on private property.

PUBLIC - Intended for participation and/or us by the general population

PUBLIC NOTICE - Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality or as otherwise provided by law or by a court of competent jurisdiction. 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 or parking structure, other than a street or way, used for the parking of only automobiles.

RADIO/TELEVISION STUDIO - A studio engaged in transmitting oral and visual programs to the public, but not including the transmitter and/or antennas for such broadcasting.

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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.

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.

RECYCLING, SMALL SCALE - A building, 2,000 square feet or less, in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

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

RESTAURANT - An establishment where food and drink is prepared, served and consumed primarily within the principal building with any outdoor dining incidental to the primary use.

RESTAURANT, CAFÉ - An establishment where limited options of food and drink are prepared, served and consumed on site with any outdoor dining incidental to the primary use.

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.”

RESTAURANT DRIVE THROUGH/DRIVE-IN - An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

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, other adult-oriented uses, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

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

SAPA - Scranton-Abington Planning Association. A voluntary, collaborative initiative by participating municipalities in the Scranton-Abingtons geographical region. Use of the term

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Scranton-Abingtons Planning Association shall include any amendments to such documents or replacements of such documents.

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. For the purposes of this Ordinance, a satellite antenna shall be considered an accessory structure for the direct use of the resident of the subject 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

SCHOOL, PUBLIC - 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

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 or other device.

SHED – An accessory structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designated to be served by heat, electricity, or plumbing and does not need to be placed on a permanent foundation.

SHOPPING CENTER OR MALL - A group of commercial establishments planned, constructed and managed primarily 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 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.

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.

SIGNS - See Article 8 for sign definitions.

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.

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SOLAR ENERGY SYSTEM –

For the purposes of this Ordinance, said system shall be considered an accessory structure for the direct use of the resident of the subject lot.

ARRAY: Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

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-MOUNTED SYSTEM: A solar photovoltaic system attached to any part or type of roof on a building or structure that has an occupancy permit on file with the *Borough* and that is either the principal structure or an accessory structure on a recorded *lot*. This system also includes any solar-based architectural elements.

CELL: The smallest basic solar electric device which generates electricity when exposed to light.

DRIP LINE: The outermost edge of a roof including eaves, overhangs and gutters.

GROUND-MOUNTED SYSTEM: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

HVAC: Equipment used to heat, cool or ventilate a structure.

INTERCONNECTION: The technical and practical link between the solar generator and the grid providing electricity to the greater community.

KILOWATT (kW): A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

MODULE: A module is the smallest protected assembly of interconnected PV cells.

NET METERING AGREEMENT: An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

PHOTOVOLTAIC (PV): A semiconductor-based device that converts light directly into electricity.

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SOLAR-BASED ARCHITECTURAL ELEMENT: Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment and does include any solar hot water system traditionally used for individual dwelling purposes.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM: A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

TRACKING SYSTEM: A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

UNREGULATED YARD AREA: Area not within a building and not in a defined setback or yard area.

SPA - A place or building where active exercise and related activities are preformed 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.

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.

STREAM - A watercourse. Most streams are shown on the U.S.D.A. Soil Conservation Service "Soils Survey of Clarks Summit" 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 Clarks Summit, 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.

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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 temporary is specified as longer under a particular use in this Ordinance. Does not include the construction or alteration of any structure.

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

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:

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A. 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,

B. Chronic abuse of or addiction to alcohol and/or a controlled substance, or

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

UTILITY - A corporation, enterprise, government entity or approved entity 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 as authorized by the Pennsylvania Utilities Commission.

VARIANCE - An extraordinary remedy with constitutional ramifications that constitutes a limited, permissive waiver, using statutorily defined criteria and legal criteria, of the precise terms and conditions of this Ordinance and 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 Ordinance.

WAREHOUSE - Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

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.

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 - Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground.

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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.

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 Ordinance.

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.

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 Ordinance.

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

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 Clarks Summit Borough.

ZONING MAP - The map setting forth the boundaries of the districts of this chapter and adopted by the Borough Council

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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, Clarks Summit Borough is hereby divided into districts which shall be designated on the Zoning Map and as follows:

1. Residential Districts.

   (a) **Town A Single Family Residential District:** To permit low- to medium-density neighborhoods of single-family detached dwellings, typically on local streets and with private driveways.

   (b) **Town B Single Family Residential District:** To accommodate medium-density neighborhoods of single-family attached and detached dwellings, typically on local streets and with private driveways.

   (c) **Town Mixed Residential District:** To provide for neighborhoods that are medium-to-high density and accommodate a mix of single- and multifamily dwellings, as well as ancillary land use activities.

   (d) **Town-City Single Family Residential District:** To allow for neighborhoods of a medium-to-high density consisting largely of single-family attached and detached dwellings on small lots developed on a grid system of curbed streets, typically with access to alleyways.

2. Mixed Use Districts.

   (a) **Town Downtown Mixed Use:** To provide for main-street-style, pedestrian-oriented land uses in a small-town downtown setting, ranging from converted dwellings to mixed-use buildings with retail uses on the ground floor and apartments on upper floors.

   (b) **Suburban Center:** To create a zone where established patterns of regional-scale commerce are located and compatible with development in neighboring South Abington Township.

3. Industrial District:

   (a) **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.

Any land use not specified within this Ordinance is intentional and shall locate to one of the other eight municipalities that permits the land use.

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Section 3.2 - Zoning Map

A. The boundaries of the districts in which Clarks Summit Borough is divided shall be shown upon a map entitled the "Clarks Summit Borough Zoning Map," which is available on file for public viewing at the Clarks Summit Borough Building. 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 Code Enforcement 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 Code Enforcement 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.

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Section 3.4 - District Quick Views (attached at end)

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 (reserved for future use).

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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.

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(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.

See Borough Code of Ordinances /Chapter 8 Floodplains and Lackawanna County D-FIRM maps, effective 8/5/2020.

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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 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.

7. No more than two (2) accessory uses 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.

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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. Single-point access drives with one drive per site;
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. 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;
9. Landscaping materials, excluding patios, decks, and porches not otherwise exempted by this Ordinance;
10. Awnings and canopies specifically permitted under the provisions of this Ordinance;
11. Decorative lawn ornaments and walls not exceeding 32 inches in height;
12. Bird feeders;
13. Stormwater management facilities not designed to retain a permanent standing pool of water;
14. Traffic control devices required by a government or government agency;

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

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

17. Railroad sidings;

18. Public transit stops involving surface improvements and shelters;

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

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

21. Public bicycle racks, mini-library kiosks, 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) Flagpoles;

   (f) Utility poles, masts, and towers;

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

   (h) Skylights;

   (i) Tanks; and

   (j) Penthouses for housing mechanical equipment.

   (k) Solar panels

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

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(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.

D. Lot Coverage and Pervious Surfaces

1. Pervious surfaces proposed in the development or improvement of a lot or any increase in lot coverage on an already developed or improved lot shall be reviewed by the Code Enforcement Officer and, if found to meet the terms of this Ordinance, approved on a case-by-case basis.

2. The percentage of the pervious surface to be counted as lot coverage shall be based upon actual field performance data provided by the manufacturer.

3. The Code Enforcement Officer shall be notified three (3) business days prior to construction so that the Code Enforcement Officer may observe the installation.

4. Pervious surface design, installation, testing, maintenance and cleaning shall be performed in accord with generally accepted practice, manufacturer standards and any applicable professional/manufacturer association standards or required installer certification.

5. Permeability testing of engineered pervious surfaces shall be performed in the presence of the Code Enforcement Officer and a written report shall be submitted to the Code Enforcement Officer documenting the testing method and results. The testing shall be conducted in accord with generally accepted practice by the applicant using a person deemed qualified by the Code Enforcement Officer. If the permeability is reduced to a level of seventy-five (75) percent or less of the initial rate, the owner shall restore the permeability to the initial rate using accepted cleaning methods or reinstallation.

   Testing shall be conducted:

   a. Upon completion of the installation of the pervious surface.

   b. Annually for any parking areas, driveways or other areas which are used by motor vehicles excluding such areas associated with single-family and two-family dwellings.

   c. Once every five (5) years for all pervious surfaces for which annual testing is not required by this Ordinance.

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6. The pervious surface shall be tested for permeability in accord with a written report submitted to the Code Enforcement Officer.

7. The maintenance of the pervious surface shall be governed by a written agreement between the landowner and the Borough in a form prescribed by Resolution of Borough Council.

8. Approved pervious surfaces shall not be replaced with any impervious surface material.

MAXIMUM LOT COVERAGE FOR

SINGLE-FAMILY AND TWO-FAMILY DWELLINGS IN ALL DISTRICTS

Lot size (square feet)	5,000 and under	>5,000 to <20,000	20,000 and more
Lot Coverage (% of lot)	40	40 - (lot size in sq ft - 5,000)/750	20
With infiltration*	+5%	+5%	+5%

*The total area subject to earth disturbance activities (using PA CODE guidelines for that definition) by the project is subject to infiltration of the 2-yr storm frequency and furthermore 20% of existing impervious surfaces within the disturbed area, shall be considered meadow (in good condition) for the runoff calculations.

Section 5.3 - Stormwater Management

See Borough Ordinance 1993-04, as amended and Borough Subdivision and Land Development Ordinance 2012-04, as amended.

Section 5.4 - Grading and Erosion Control

See the Borough Subdivision and Land Development Ordinance 2012-04, as amended.

Section 5.5 - Reserved

Section 5.6 - Buffer Areas and Screening

A. Applicability.

1. Nonresidential Uses Abutting Residential Uses or Districts.

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(a) With exception of no impact home-based business, 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.

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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 Clarks Summit 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. 10.

   (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 adhere to the following measurements at the time of installation:

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(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, recreational facility or item, 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).

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(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.

(f) The Borough maintains an active Shade Tree Commission. The community is encouraged to consult with the Shade Tree Commission on landscaping.

2. Landscaping Plan Requirements.

When a site or land development plan requires the installation of landscaping, a landscaping plan, completed following consultation with the Borough Shade Tree Commission, 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.

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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.

This Ordinance permits an off-setting reduction of the impervious surface computation to a maximum offset of 5%. To elect this Section, the lot owner must both 1) maintain and, 2) either preserve or plant, two (2) or more trees. Said trees must be owned wholly, including the entire base or trunk, but the lot owner, located wholly on the lot and located near an impervious surface (where the centerline of the trunk is located within 20 feet of the edge of the impervious surface). this Section allows a 100 square foot impervious area reduction for each deciduous tree and a 200 square foot reduction for each evergreen tree. A maximum of 5% reduction in impervious area shall be permitted by this Section.

C. Raingardens and other stormwater management techniques shall be constructed in accordance with the Borough's Stormwater Management Ordinance.

Section 5.8 - Fences and Walls

The erection of any fence or wall in all Districts shall require a zoning permit, and shall be subject to the following provisions:

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A. All fences and walls shall comply with this Ordinance for clear sight triangles.

1. Fences and walls not more than four (4) feet in height may be erected in front setback areas; however, no such fence or wall shall encroach upon any public right-of-way. Chain-link fences of any height or shape are prohibited in the front yard.

2. Fences and walls not greater than six (6) feet in height may be erected up to the property line of adjoining properties.

B. Not More Than Six Feet in Height

1. Front Yard - fences and walls not more than four (4) feet in height may be erected in front setback areas; however, no such fence or wall shall encroach upon any public right-of-way. Chain-link fences, of any height or shape, are prohibited in the front yard.

2. Fences and walls not more than six (6) feet in height may be erected up to the property line of adjoining properties.

C. Fences and walls exceeding six (6) feet in height but not more than eight (8) feet in height may be erected on a side or rear property line provided:

1. Said property line is clearly located and physically marked on the lots by lot line markers placed in accord with a survey conducted by a Registered Land Surveyor, and

2. The owner present to the Borough a written document executed between said owner and the abutting lot owner(s) establishing agreement for erection of the subject fence or wall.

D. All fence posts and other structural supports shall be located on the side of said fence towards the interior of the property owned by the person erecting the subject fence.

1. The following fences and fencing materials are prohibited:

a. Barbed wire except that surmounting a "man proof" fence and said barbed wire is at least six (6) feet above ground level.

b. Electrically charged fences.

c. Broken glass surmounting a wall.

d. Fabric, junk, junk vehicles, sheet metal, appliances, tanks, barrels or similar material.

e. Fences which exceed District maximum height requirements.

2. Engineered retaining walls necessary to hold back slopes are exempted from setback requirements and the regulations of this Ordinance.

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Section 5.9 - Regulation of Health, Safety, and Welfare Elements

A. 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 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:

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Lighting Zone 1 **Zoning Districts:** Residential Districts	
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 lumens

Lighting Zone 2 **Zoning Districts:** All Other Districts	
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 lumens

Section 5.11 - Outdoor Storage

A. Outdoor Storage of Materials.

1. 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.** (other than temporary dumpsters utilized for permitted construction)

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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, Motor Homes, Campers, and Recreational Vehicles.

1. The parking and storage of trailers, 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, 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.*

*Please note that all locations, screening or fencing must comply with this ordinance and all other relevant quality of life ordinances

**separate ordinance applies for temporary dumpsters

Section 5.12 - Sewage Disposal

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

B. On-Lot Sewage Disposal.

1. On-lot sewage disposal shall not be permitted for any lot within the Borough.

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Section 5.13 - Accessory Structures

All accessory structures shall conform to the minimum regulations established in this Ordinance except as permitted below.

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.

F. A property may have no more than two (2) accessory structures per lot.

G. Unattached Accessory Structures. All unattached accessory structures shall comply with yard requirements for principal structures, except that the accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred twenty (120) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than five (5) feet. This is only available for one (1) unattached accessory structure. All additional structures must comply with the setbacks for that zone. In the case of corner lots, the full yard as specified in this Ordinance shall be maintained.

H. Attached Accessory Structures. An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

I. Truck Trailers, Storage Containers, Etc. The provisions of this Ordinance shall apply to any mobile home, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, shipping or other container, storage unit, shed-like container, other portable structure used for the storage and/or moving of personal or business property or other similar unit not originally designed as an accessory structure, all of which are herein referred to as storage containers. Objects that were originally designed for recreational purposes, and have not been altered, shall not be considered a storage container.

    1. Residential Districts- The use of any storage container as an accessory structure in any residential District is prohibited.

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2. Other Districts- The following restrictions shall apply to any storage container located on a lot for more than thirty (30) days total in any calendar year in any nonresidential Districts:

   a. A zoning permit shall be required.

   b. The setbacks applicable to principal structures in the District of location shall apply. Side and rear setbacks shall be twice the normal setback in cases where the storage container adjoins a residential use or any residential District.

   c. The storage container shall be maintained in good condition and if it adjoins a residential use or any residential District it shall be screened in accord with this Ordinance.

3. Temporary Use on Lot. This Ordinance shall not prohibit the use of one (1) shipping container designed as such to be used with standardized transport vehicles, but no other type of storage container, on any lot in any zoning district for not more than thirty (30) days total in any calendar year for moving in or out of a premises. In cases where the shipping container is proposed to be located on a street the following restrictions shall apply:

   a. A zoning permit shall be required and shall be conspicuously posted on the container.

   b. The container shall be equipped with DOT-approved reflective tape on all sides or similar equivalent material to improve visibility. If the proposed location is on an arterial or collector highway, or the specific placement warrants, then Type "A" flashing yellow barricade lights shall be placed on the cargo container facing the direction of traffic.

   c. The container shall be placed as far as possible from the travel portion of the road and shall be located only where parking is otherwise permitted. The container shall not obstruct the flow of pedestrian or vehicular movement. If existing road width does not permit the safe placement of a container due to the existence of driveways, site triangles, intersections, hills or curves, or if the remaining travel lane(s) will be narrower than twelve (12) feet clear in either direction, no permit will be issued and a container shall be prohibited.

   d. The container shall be placed and supported by nominal two-inch-thick solid lumber to protect the road surface from damage. The permit holder is liable for any damage to the road surface.

   e. Container exteriors shall be covered in an all-weather coating such as paint, be uniform in color, and only bear the name of the container company and any other safety or operational notices. Container exterior surfaces shall be free from graffiti or commercial advertisements.

   f. The container shall have the permitee's name and company logo and telephone number. The user is required to be identified on the container and the permit shall be posted on the container in a publicly accessible manner.

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Section 5.14 - Keeping of Household Animals Other than Pets

The keeping of animals and pets is regulated by the Borough Animal Control Ordinance, as amended.

Section 5.15 - Outdoor Seating Areas

Outdoor seating areas may be proposed for restaurants, bars or taverns, and brew pubs for the purposes or consuming food and beverages 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 and Ordinance.

H. No outdoor seating area shall be located closer than 100 feet from a Residential District. For any non-residential use adjacent to a residential use, screening requirements as identified by the Borough for noise, light, and odors shall apply.

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 and Ordinance.

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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.

D. The owner shall occupy the dwelling during the term of any short-term rental.

E. The owner shall be required to obtain a Change of Use Zoning Permit.

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.

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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 amended and 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 at the time of completion of installation. 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.

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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.

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K. Permit Requirements.

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

L. Inspection, Safety, and Removal.

1. Clarks Summit 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. Swimming pools and all associated fencing shall be designed and constructed to the applicable standards of the Pennsylvania Uniform Construction Code (UCC).

B. 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 twenty (20) feet of the rear lot line. Fencing locations shall comply with the setback standards of this Ordinance.

C. Any outdoor swimming pool unused for two or more seasons shall be abandoned, and owners shall remove the structure at his own expense. If for safety reasons, the Borough is required to remove said structure, the owner shall be responsible for all costs or the Borough shall record all applicable liens.

D. Grading for a swimming pool shall not alter the quantity, quality, or velocity of the natural, storm-water-flow to any neighboring property.

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E. Discharge of any treated swimming pool water, including but not limited to saline treatment, shall not flow to or affect neighboring properties.

F. Any pumps, filters, lighting, or other electrical-related items associated with the swimming pool must comply with the National Electrical Code.

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 and actively pursued 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 Code Enforcement 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 customarily 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 Code Enforcement 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 Clarks Summit Borough Council.

D. Food Trucks and Food Carts.

A permitted accessory use on non-residential 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 and the license, as issued by the Borough, is received:

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

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2. The cart is removed within 48 hours after expiration of license.

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

4. The food truck shall not increase garbage, lighting, and noise.

E. Other Temporary Uses.

A temporary permit may be issued by the Code Enforcement Officer for structures or uses, other than those specifically listed in this Ordinance, subject to the following additional provisions:

1. Duration.

The Code Enforcement Officer 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 Code Enforcement Officer may grant a single approval once for numerous occurrences of an event.

2. Fee.

Either Code Enforcement Officer 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 Code Enforcement Officer 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 - 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 Clarks Summit 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,

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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 only by special exception 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

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TOWER-BASED WCFs	Outside of ROW	Within ROW
Setback - Towers	Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support structure, antenna, and all appurtenances, 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

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.	WCFs located above the surface grade shall consist of equipment components designed at the minimum functional height.
Setback - Mounted Antennas	Setback from property lines at least one hundred percent (100%) of the combined heights of the antenna, building mounting height and all appurtenances, or the applicable minimum building setback in the underlying zoning district, whichever is greater. All guy wires and physical supports shall comply with applicable minimum setback distances.	Not applicable
Setback - Equipment Buildings/Cabinets	Shall comply with the applicable minimum building setback requirements in the underlying zoning district.	Not applicable

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NON-TOWER WCFs	Outside of ROW	Within ROW
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 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 materially achieve the coverage or capacity objectives of the applicant and proven capacity needs.

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, deed 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, including those 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.

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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.

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

9. A sealed survey plan identifying all property lines, setbacks, land features, land improvements, proposed towers, and accessory structures shall be submitted with the application.

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. 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.

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3. 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.

4. 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.

5. 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. Lighting shall not spill beyond the property line as demonstrated by a photometric study using only Dark-Sky Association, or similar, approved lighting.

6. Noise.

   All WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards established in any applicable nuisance law, nuisance ordinance, or noise ordinance.

7. 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.

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(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.

8. 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 including guy wires, associated equipment, and buildings.

9. 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 Public Utility Commission 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) Vacation of a street or the release of a utility easement; or

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(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.

10. 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.

11. Soil Report.

An applicant for a tower-based WCF 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.

12. Aviation Safety.

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

13. Equipment Storage.

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

14. 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.

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.

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

(1) The tower shall have an appearance as selected by the Borough:

a. a galvanized finish or be painted silver above the top of surrounding trees and green below treetop level.

b. A stealth, camouflage or monument types from up to three (3) manufacturers.

(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 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 as defined by the borough.

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 provided the replacement is in size, dimensions, height, shape, visual appearance, color, capacity, load, quantity, and materials, like the replaced structure.

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

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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 fee to be paid for use and occupancy of the right-of-way. Such annual fee shall be materially related to the Borough's costs of owning, maintaining, and managing the right-of-way and; provision of services; to the loss of use to the Borough and community 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 with accommodation for inflation 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 a necessary and compelling 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.

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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 other supporting documents 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.

Section 5.21 - Private Recreational Facilities & Equipment

A. Private recreational facilities and equipment provides standards for any private recreational facilities and equipment not otherwise expressly enumerated in this Ordinance. Private recreational facilities and equipment shall minimize any impact on neighboring properties, shall be operated and maintained in a safe manner, shall be categorized as accessory uses and structures and be included with all calculation of impervious surface and toward the maximum number of accessory structures permitted on a lot. Said facilities and equipment shall specifically conform to the following minimum requirements:

1. Setbacks and location

   (a) Private recreational facilities and equipment shall not be constructed in a front yard or in a side yard.

   (b) Private recreational facilities and equipment must be setback 25 feet from all property lines, roads, or easements.

   (c) No private recreational equipment or facility shall cause or potentially cause disruption of traffic or community safety.

   (d) No private recreational equipment or facility shall be installed, maintained, or used in an easement or right-of-way.

2. Screening

   (a) Private recreational facilities and equipment shall be screened to minimize noise and vibration on adjacent lots and/or lots impacted by said noise and vibration based upon their topographic position(s).

   (b) Screening shall be consistent with the neighborhood as determined by the Borough Council.

   (c) Private recreational facilities and equipment may be operated for a reasonable period no earlier than 10AM and no later than, whichever is earlier, dusk or 8PM.

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3. Maintenance

   (a) Private recreational facilities and equipment must be kept in good functional condition, free of vermin or pests, structurally sound, and safely maintained.

   (b) Private recreational facilities and equipment must be promptly removed after materially discontinued use for a period of 12 months.

4. Lighting

   (a) Private recreational equipment and facilities shall not be artificially lighted, directly or indirectly.

5. Sound and Vibration

   (a) Sound and vibration from private recreational facilities and equipment shall not be audible beyond the property's lot lines

6. Quantity

   (a) No more than two pieces of private recreational equipment may be permitted per 10,000 square feet of contiguous, non-impervious, lot area.

7. Impervious Surface, Accessory Uses, Accessory Structures & Lot Coverage

   (a) Private recreational facilities or equipment shall count toward impervious surface.

   (b) Private recreational facilities or equipment shall count toward lot coverage.

   (c) Each private recreational facility or equipment shall constitute an accessory structure.

   (d) Each private recreational facility or equipment shall constitute an accessory use.

B. Motorized private recreational vehicles shall not be operated on any lot or in any public conveyance within the Borough except as otherwise expressly permitted by law and only if strictly operated according to all applicable law.

Section 5.22 - Dwelling Construction.

A. All residential dwellings shall comply with the standards of the International Residential Code.

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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 Code Enforcement 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 Clarks Summit Borough Council.

2. The applicant shall submit seven (7) paper copies and one (1) digital copy, in PDF format or other electronic format as specified by the Borough, 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 zoning 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;

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(d) That the proposed conditional use is in general conformity with the Scranton-Abingtons Planning Association Comprehensive Plan or the applicable Borough 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 Clarks Summit 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 Clarks Summit 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.

6. Public Hearings.

(a) Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Clarks Summit 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.

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(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, community, or zoning district in which the use is to be located.

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(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 or materially burden other public services such as schools, police, or fire.

(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

A. Abused person shelter

1. The use shall be subjected to residential inspections in accordance with the Borough Housing or Building Code.

2. The service of meals, if provided, shall be limited to residents of record.

B. Agricultural processing artisan

On lots less than five acres, the scale of activities and production shall be residentially oriented.

C. Agricultural products processing

On lots less than five acres, the scale of activities and production shall be residentially oriented.

D. Animal hospital or veterinary clinic

1. In zoning districts where an animal hospital/care facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

2. 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.

3. Animal holding areas shall be within an enclosed building.

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4. 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.

5. 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.

6. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

7. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

8. No disposal of dead animals shall occur on the lot. No cremation on the property shall be allowed.

E. Bakery

1. The maximum lot size shall be one (1) acre.

F. Bank or financial institution

1. The Borough shall require the landowner and/or developer to prepare and submit a traffic impact analysis of the proposed development.

2. 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.

3. Side and rear buffer areas shall be maintained in accordance with this Ordinance.

4. 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 insure 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.

5. Financial Institution with Drive-Thru.

   a. No drive-thru window, customer automated teller machine (ATM), or the like shall be located in a front yard.

   b. The drive-thru shall have direct access to a public right-of-way.

   c. A minimum of three (3) stacking spaces shall be provided for each drive-thru lane.

   d. 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.

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G. Bed-and-breakfast

A minimum of four (4) rooms shall be offered as part of this use.

H. Boarding or lodging house

1. Any single-family dwelling occupied by a family whose members are related by blood, marriage or adoption may also accommodate not more than two (2) individual boarders, who also take meals in the dwelling, or two (2) individual roomers, who do not take meals there.

2. Any single-family dwelling occupied by a family and containing no boarders or roomers may also accommodate foster persons, placed by court order.

3. There shall be at least two (2) means of egress from each floor in the structure.

4. One (1) parking space shall be provided on the premises for each guest sleeping room plus three spaces per dwelling on premises.

5. Off street parking in a front yard shall not be permitted except in a driveway.

6. For new conversions, floor plans shall be reviewed and approved by the Borough.

I. Cluster Residential Development

1. Net density shall equal the permissible gross density for the zoning district in which the development exists.

J. College or university

1. Shall be limited to students, faculty or staff of an accredited college, university, nursing school, medical training program or teaching hospital.

2. The building shall be a minimum of 80 feet from any existing single-family detached dwelling or single family semi-detached (twin) dwelling that is not owned by the institution providing such dormitory.

K. Commercial recreation facility, indoor and outdoor

1. 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

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vertical change in elevation. The berm shall be landscaped with plants that provide four seasons of vegetated cover, not including turf grass.

2. 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.

3. 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.

L. Community center or library

1. A traffic study shall be completed to identify the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.

2. Hours of operation no earlier than 7am or later than 9pm.

3. All activity must take place within the building.

M. Conservation Residential

A buildable area analysis shall be completed to identify land areas with slopes greater than 25%. Said land areas shall have a maximum disturbance of 15%.

N. Cultural center or museum

1. A traffic study shall be completed to identify the scale of any necessary improvements for safety or circulation to the adjacent right-of-way.

2. Hours of operation no earlier than 7am or later than 9pm.

3. All activity must take place within the building.

O. 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 or with pervious concrete or pervious durable materials complying with Borough construction standards.

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.

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5. The structure shall be limited to five (5) stories or a maximum of fifty-five (55) 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. A traffic study may be required, at the expense of the Applicant, if deemed necessary by Council.

12. 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:

    a. 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.

    b. One and one-half (1½) times the required number of plants for screening and buffering off-street parking and loading areas; or

    c. 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.

P. Emergency Services

1. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined herein.

2. Ingress and egress from the site shall be designed so as to maximize sight distance along the adjacent public streets and enhance safety for vehicles exiting the site, as well as those traveling on the streets.

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3. Buildings shall be located so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow on or blocking any public street.

4. If a fire service building includes a rental hall or banquet facilities, the following criteria shall be met:

   a. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.

   b. Off-street parking for the facility or rental hall shall be provided in accordance with the requirements of this Ordinance for eating and drinking establishments.

   c. Activities on the site and within the building shall comply with the noise standards specified in this Ordinance.

   d. If entertainment is presented, doors and windows shall remain closed during any entertainment involving a speaker system and/or amplification.

   e. Parking areas adjoining residential lots shall be screened as described in the Ordinance

Q. Funeral home

1. There shall be no 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 GFA.

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.

R. 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. One additional tree per fuel pump/recharge unit shall be planted on the lot.

3. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.

4. 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.

5. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.

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6. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.

7. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.

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) foot candles.

9. 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

S. Golf, miniature

1. A Photometrics plan shall be submitted along with any application.

T. Greenhouse/landscape nursery, wholesaler

1. The minimum acreage shall be five (5) acres.

2. No sales shall be permissible on the lot.

3. The use shall be subject to the Borough's standard Land Development requirements.

4. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.

5. 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.

6. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.

7. 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.

8. 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.

9. 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.

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10. 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.

U. Hotel/Motel

1. The location, orientation and lot circulation shall be such as to minimize the disturbance to surrounding uses.

2. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 P.M. and shall be screened as per this Ordinance.

3. 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 roadway's peak hour volumes.

4. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.

5. 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.

6. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.

7. Secondary eating establishments serving alcoholic beverages or secondary bars or nightclubs must be licensed by the Pennsylvania Liquor Control Board.

8. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

V. Kennels

1. Shall have a minimum lot size of five (5) acres.

2. Minimum of five (5) off-street parking spaces plus one for each employee.

3. All areas used for exercise shall be securely fenced.

4. All animals shall be within a completely enclosed building which shall be a minimum of one hundred and fifty (150) feet from any property line.

5. Animals shall be permitted to exercise daily between the hours of 8 A.M. - 8 P.M. All outdoor exercise areas shall be two hundred (200) feet from any property line.

6. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

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7. Evidence of adequate water supply and wastewater disposal must be provided by the applicant

W. Municipal/government facility or use

A Delivery Plan for the use shall be submitted for Council approval.

X. Office, business or professional

1. Off-street parking shall be provided in accordance with the provisions of this Ordinance.

2. Buffering of parking and loading areas shall be provided in accordance with this Ordinance.

3. 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.

Y. Office, medical or dental

1. Facilities and equipment to support overnight boarding shall not be permitted.

2. Access for emergency response shall be clearly distinguished and provided so that no parking or circulation of visitor or employee traffic blocks such access.

Z. Park, 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 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.

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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 Township 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.

AA. Public Parking

1. If the parking facility is accessory to the principal use of a lot, it shall be included in all building coverage calculations.

2. 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.

3. The perimeter of a parking garage/structure shall be landscaped with a five (5) foot wide buffer of evergreen plantings.

4. 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.

BB. Radio/television studio

If indoor and/or outdoor space is allocated for performances and/or rental, a parking plan and a noise abatement shall be submitted for Borough review and assessment as part of the application. Recommendations associated with the assessment shall be incorporated into the lot so as to protect the health, safety and welfare of Borough residents and visitors.

CC. Recycling, small scale

1. The use shall be conducted within a completely enclosed building.

2. Recycling storage containers shall be completely enclosed.

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3. Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible.

4. Vehicular drop-off areas shall be located a minimum of sixty (60) feet from any intersection or driveway and shall not conflict with residential parking.

5. Council shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

DD. Research and development facility

1. An inventory of items to be included but not limited to: biologic, toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

2. All storage of materials shall be within a completely enclosed building.

EE. Restaurant, drive through/drive-in

1. No drive-thru window or the like shall be located in a front yard.

2. The drive-thru shall have direct access to a public right-of-way.

3. A minimum of three (3) stacking spaces shall be provided for each drive-thru 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.

FF. School, commercial

1. Such use shall not exceed the impact on the environment and adjacent streets of any use specifically listed as permitted in the Zoning District in which the commercial school is located. In making such determination, the following considerations shall be reviewed:

   a. The number of employees.

   b. The number of students.

   c. The floor area of the building or gross area of the lot devoted to the proposed use.

   d. The type of products, materials, equipment and/or the process involved in the proposed use.

   e. The traffic and environmental impacts.

   f. The ability of the proposed use to comply with the performance standards of this Chapter.

2. The commercial school shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

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3. Commercial schools shall have a minimum of one (1) point of ingress/egress to a collector or arterial road as defined by this Ordinance. The road shall have sufficient capacity to handle traffic generated by the facility.

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 one (1) foot candle.

5. At no time shall any supply materials or equipment be permitted to be stored outdoors.

6. The owner(s) and operator(s) of a commercial school shall be responsible for the conduct and safety of its students, staff, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by its students, staff, visitors and guests.

GG. School, public and private

1. All height, area, setback and coverage standards within the underlying district shall apply.

2. No part of a public/non-public school property shall be located within 1,000 ft. of a property containing an adult regulated facility (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 public/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.

HH. Shopping center or mall

1. The use shall front on an arterial street

2. Additional area and bulk regulations shall be as follows:

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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 Board of Supervisors 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 the Board of Supervisors, except at an intersection where a traffic signal exists or will be provided as part of the shopping center 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.

8. Buffer yards shall be provided in accordance with this Ordinance.

II. Vehicle and/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

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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 maximum lot area for an automobile repair and sales station shall be twenty thousand (20,000) square feet.
11. The use shall have direct ingress/egress to an arterial road.
12. All authorized repair and service work, car washing and lubrication shall be conducted within a completely enclosed building.
13. All automobile parts and accessories, dismantled vehicles and similar materials shall be stored within a completely enclosed building.
14. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet from any property line.
15. Hazardous fluids shall be disposed of in accordance with regulations of appropriate regulatory agencies.

JJ. Vehicle Repair and Service

1. Minimum Setbacks from Street Right-of-Way 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: ten feet (10')
   c. Minimum width: twelve feet (12')
   d. Maximum width: thirty-five feet (35')

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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 signs shall be in accordance with the provisions set forth in this Ordinance.

8. All merchandise shall be displayed within a building. Vending machines shall be maintained in a semi- enclosed structure or within the building.

9. 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.

10. All lights must be diverted inward and downward.

11. The outdoor storage of unlicensed vehicles is prohibited.

12. All vehicles shall be serviced and removed from the premises within thirty (30) days.

13. The demolition or junking of vehicles, trailers, boats, and other machinery is prohibited.

14. One kiosk is permitted on the gasoline service island, no larger than 10' by 10' and within the pump setbacks.

15. All service and/or repair activities shall be conducted within a wholly enclosed building.

16. 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.

17. All exterior vehicle storage areas shall be screened from adjoining residentially zoned or residentially used lots and roads.

18. The storage of unlicensed vehicles for more than thirty (30) days is prohibited.

19. 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.

20. Parking or Standing of Automobiles or other Vehicles - Notwithstanding the provisions of any other ordinance relative to the parking of automobiles or vehicles upon the streets, avenues or thoroughfares of the Borough, it shall be unlawful to park or leave standing any automobile or vehicle delivered or otherwise brought or delivered to a Vehicle Repair and Service facility other than on the lot of the Vehicle Repair and Service facility area or lot immediately adjacent and owned in common by the Vehicle Repair and Service facility, or as further limited to parking/standing areas approved for parking or standing by the Code Enforcement Officer or as set forth in any permit issued pertaining to the Vehicle Repair and Service facility. Parking or standing of vehicles beyond the boundary of the subject lot is prohibited. This provision does not preclude the owner of the Vehicle Repair and Service facility from other obligations set forth herein.

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KK. Warehouse

1. Every portion of the property used for warehouse uses shall be located not closer than two hundred (200) feet from any abutting property that is in a different zoning district.
2. All vehicular maneuvering shall be located on-site.
3. Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.
4. The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities.
5. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped bufferyard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
6. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
7. Outdoor storage of foods and/or materials shall not be permitted.
8. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
9. The building height of a warehouse located within a Town Downtown district shall be consistent with the building height of the adjacent buildings.

LL. 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, or shipments from, 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.

MM. 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 Section 206 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 Clarks Summit Borough. While the Borough recognizes the importance of wireless communications facilities (WCFs) in providing high-quality communications service to

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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).

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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.

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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.

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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.

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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

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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.

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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).

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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.

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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.

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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 Board of Supervisors 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.

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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

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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 CC Central Commercial District

Off-street parking for uses involving new construction in the CC Central Commercial District shall be provided to the rear of the principal structure. In the case of a change in use in the CC 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 §7.1Efor 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 CC 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.

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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.

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 R-1, R-2, R-3 or RP Districts, 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.

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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

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Total # of Required Spaces on Parking Lot	Required Minimum # / % of Handicapped Parking Spaces
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

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USE	PARKING SPACES REQUIRED
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 square feet 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
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

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USE	PARKING SPACES REQUIRED
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 SFGFA 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 and 5 reservoir spaces 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 maximum 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 Code Enforcement 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 Code Enforcement 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.

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Section 7.2 - Design Standards for Parking Facilities

A. Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

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.

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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 used 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 Ill), 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

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registration that expires less than 90 days prior) and no "abandoned or junk vehicle" (as defined by Article III), 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 district, 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.

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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 Code Enforcement Officer, Borough Council or Zoning Hearing Board, as the case may be, documentation of design to accommodate the following:

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 Fee t

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.

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ARTICLE 8
Signs

Section 8.1 - Definitions and Interpretation

A-FRAME OR SANDWICH BOARD SIGN - A movable sign consisting of two (2) faces, connected and hinged at the top

ATTRACTION BOARD - A permanent sign on which the information is changed periodically and identifies special, unique, limited activities, services, products, or sale of limited duration.

AWNING - A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

BANNER - A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

BILLBOARDS AND OFF-PREMISES SIGNS - A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term off-premises sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

BUSINESS SIGN - A sign which directs attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

CANOPY - A rigid structure other than an awning made of cloth, metal, or other materials with frame affixed to a building and carried by a frame, which is generally supported by the ground.

CONSTRUCTION SIGN - A sign identifying the entity or entities associated with completing the particular construction or deconstruction of building and/or and activities on a lot.

CURB LEVEL - the level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the center line of the street fronting and building structure shall be considered curb level.

DIRECTIONAL SIGN - A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.

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DIRECTORY SIGN - A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

ELECTRONIC TEXT MESSAGE SIGN - An electrically activated sign that displays only text messages and that can be electronically changed or programmed such as light emitting diode signs and digital signs, but not including animated signs such as video displays, plasma display panels, liquid crystal displays, computer monitors, and televisions.

EXTERNAL ILLUMINATION - Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

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 securely attached by a I" aluminum 2 position bracket.

FLASHING SIGN - An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign. This shall not include permitted electronic text message signs.

GRADE - The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

GROSS SURFACE AREA - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

GROUND SIGN - A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

ILLUMINATED SIGN - A sign in which a non-LED, non-LCD, and/or artificial source of light is used in connection with the display of such sign.

INSTRUCTIONAL SIGN - A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkway, parking areas, and other similar facilities.

INTERNAL ILLUMINATION - Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

ITEM OF INFORMATION - A word, an abbreviation, a number, a symbol, or a geometric shape

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contained in a sign. A sign which combines several different geometric shapes of unusual configuration, is assessed one (1) item of information for each non-continuous plane.

MARQUEE - A permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of durable material such as metal or glass.

MOVING SIGN - A sign which, in whole or in part, revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.

NEON OR OTHER GAS TUBE ILLUMINATION - Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

NON-CONFORMING SIGN - A sign which does not adhere to one (1) or more of the provisions contained in this Ordinance.

OPEN SIGN - A sign in which the area exposed to wind is less than fifty (50%) percent of such sign's aggregate gross surface area.

PERMANENT SIGN - A permanent sign displayed in the Borough on and after the effective date of this Ordinance.

POLITICAL SIGN - A temporary sign identifying a political candidate, issues, or party.

PORTABLE SIGN - A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

PROJECTING SIGN - A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than fifteen (15) inches.

REAL ESTATE SIGN - A sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

ROOF SIGN - A sign erected or maintained in whole or in part upon, against, or directly above the parapet line or roof of the building.

SERVICE ISLAND - A set of one or more fuel dispensing pumps arranged in proximity to each other as a raised, concrete island surrounded by paving.

SIGN - Any identification, description, illustration, advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

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TEMPORARY SIGN - A non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

WALL SIGN - A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

WARNING SIGN - A sign containing no advertising material, warning the public of the existence of danger.

WINDOW SIGN - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

Section 8.2 - Procedures and Administration

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the Borough area without difficulty and confusion, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intent of this Ordinance to establish regulations governing the display of signs which will:

A. Promote and protect the public health, safety, comfort, morals, and convenience.

B. Enhance the economy and the business and industry of the area by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.

C. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.

D. Reduce conflict among signs and sign lighting and between public and private signs, and;

E. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

Section 8.3 - General Requirements

A. Basis of Which Signs Are Regulated - The display of signs in the Borough is hereby regulated on the basis of the following factors:

1. The type of activity displaying the sign; and

2. The following four (4) design features:

    a. the type of sign

    b. the area of the sign

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c. the height of the sign

d. the location of the sign

In addition, certain signs and certain activities are regulated on the basis of additional factors, as set forth in this Ordinance.

B. Items of Information Allowed

1. General Rules - Subject to the requirements of all other provisions of this Ordinance, each exposed face of a sign shall contain no more than eight (8) items of information. However, if the name of the occupant of the premises on which the sign is to be affixed contains more than eight (8) items of information, the name may be displayed on each exposed face of a sign, provided no other information is displayed on such sign.

2. Certain Information Not Counted - In calculating items of information, the following shall be excluded.

a. Letters nineteen (19) inches or less in height which are carved into, or securely attached to a building in such a way that they are an architectural detail of the building; provided that the letters are not illuminated apart from the building, are not made of a reflective material, do not contrast sharply in color with the building, and do not exceed a thickness of one (1) inch; or

b. That information pertaining to the date of erection, the sign permit number, the sign permit expiration date, and the voltage of any electrical apparatus to be used in connection with the sign on which it is to be displayed as specified herein.

Section 8.4 - Illumination

All signs permitted by this Ordinance may be illuminated, provided that the provisions of this Section are strictly complied with.

A. Electrical Permit - In addition to complying with the provisions of this Ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the National Electrical Code.

B. Illumination of Buildings, Structures, and Areas

1. 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.

a. During the month of December for areas in which Christmas trees are offered for sale.

b. On a temporary basis for areas in which carnivals, fairs, or other similar activities are held.

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2. 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 roadway and surrounding property.

C. Glare; Intensity - 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. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.

Section 8.5 - Construction Specifications

All permanent signs permitted by this Ordinance shall be constructed in accordance with the provisions of this Section.

A. Compliance with Applicable Codes - In addition to complying with the provisions of this Ordinance, all signs shall be constructed in accordance with the applicable provisions of the Uniform Construction Code.

B. Information to be Affixed on Signs - All signs erected after the effective date of this Ordinance shall have affixed in a conspicuous place thereon, the following information:

1. The date of erection;

2. The sign permit number;

3. The sign permit expiration date; and

4. The voltage of any electrical apparatus used in connection therewith.

C. Auxiliary Specifications - All signs permitted by this Ordinance shall be constructed in accordance with the following provisions:

1. Obstruction to Exit - No sign shall 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.

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4. Clearance from Surface and Underground Facilities - All signs and 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. Intersections - No sign shall be erected which creates a traffic hazard at any street intersection and all signs shall comply with §8.3 - Clear View At Street Intersections.

D. Wind Loads - All signs, except those attached flat against the wall of a building shall be constructed to withstand minimum wind loads as set forth in the Uniform Construction Code.

Section 8.6 - Prohibited Signs

The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the Borough except as otherwise permitted in this Ordinance.

A. "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 §8.8 and §8.10, F of this Ordinance.

B. Banners and Pennants - Banners, pennants, streamers, balloons, and other gas-filled figures, except as a temporary sign, are provided for in §8.8 of this Ordinance.

C. 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 or animation or video display, including automatic, electronically controlled copy changes, or through the impression of movement or flashing. This shall not include time and temperature indicators whose movement is either digital or analogue, or electronic text message signs or flags otherwise permitted by this Ordinance.

D. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in §8.8 of this Ordinance.

E. Projecting Signs - Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.

F. Signs and Parked Vehicle, Trailers and/or Containers - Signs placed on or affixed to vehicles, trailers and/or containers 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 nearby.

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G. Signs on Trees - Signs which are attached or otherwise affixed to trees or other living vegetation.

H. 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.

Section 8.7 - Exempt Signs

The following signs are hereby exempt from the 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.

A. Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.

B. 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 and four (4) square feet aggregate gross surface area.

C. 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.

D. 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.

E. 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.

F. Holiday Decorations - Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.

G. Interior Signs - Signs not visible from the exterior of the structure 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.

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H. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

I. Name and Address Plates - Signs, 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, 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.

J. 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.

K. Parking Lot Directional and Instructional Signs

1. 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.

2. 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.

L. 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.

M. Plaques - 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.

N. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties.

O. Public Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be on any type, number, area, height, location, or illumination as required by law, statute, or ordinance, and Borough owned and maintained community information signs including electronic message displays.

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P. 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.

Q. 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.

R. 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.

S. 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.

Section 8.8 - Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §8.8.

A. General Conditions

1. 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 Code Enforcement Officer.

2. Materials and Methods - The Code Enforcement 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, subject to §8.4.

4. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.

B. Temporary Business Signs - Temporary business signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

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1. Number - There shall not be more than 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

    a. Residential Areas - In residential areas, temporary business signs shall not exceed two (2) square feet in gross surface area for each exposed face not to exceed an aggregate gross surface area of four (4) square feet.

    b. Non-Residential Areas - In non-residential areas, temporary business signs shall not exceed thirty-two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty-four (64) square feet.

3. Location - Temporary business signs shall be located only upon the zoning lot 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 from a zoning lot to a public roadway.

4. Height

    a. Residential Areas - In residential areas, temporary business signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

    b. Non-Residential Areas - In non-residential areas, temporary business signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

C. Temporary Construction Signs - Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed shall be subject to the following:

1. 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

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a. Residential Areas - In residential areas, temporary construction signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, not exceeding an aggregate gross area of thirty-two (32) square feet.

b. Non-Residential Areas - In non-residential areas, temporary construction signs shall not exceed an aggregate gross surface of sixty-four (64) square feet.

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 zoning lot to a public roadway.

4. Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from base of 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 Code Enforcement Officer with consideration given to the public intended purpose. In any event, no sign may exceed thirty-two (32) square feet for each exposed surface or sixty-four (64) square feet in gross surface area. Any temporary event sign shall not be permitted to extend over or onto a public right-of-way.

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 than six (6) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

E. 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:

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1. Number - There shall be not more than one (1) temporary real estate sign for each zoning lot except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented to each abutting street, shall be permitted.

2. Area

   a. Residential Areas - In all residential areas, temporary real estate signs shall not exceed six (6) square feet in gross surface area of twelve (12) square feet.

   b. Non-Residential Areas - In non-residential areas, temporary real estate signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of thirty-two (32) square feet.

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 from a zoning lot to a public roadway.

4. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from base of 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.

F. 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. Area - In all zoning districts no temporary yard or garage sale signs shall exceed four (4) square feet in size.

2. Location - Temporary yard and garage sale signs may not be located within the street or road right-of-way. Any temporary yard or garage sale sign shall not create a public hazard.

3. Height - Temporary yard or garage sale signs shall not exceed thirty (30) inches in height.

4. Timing - Temporary yard or garage sale signs may be erected no sooner than seven (7) days before the sale and must be removed no later than three (3) days after the sale. No temporary yard or garage sale signs shall remain erected for a period longer than ten (10) days

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Section 8.9 - Residential Use

For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use.

A. Building Name and Address Signs - Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

1. Type - Building name and address signs may be either wall signs or ground signs.

2. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

3. Area - Building name and address signs shall not exceed four (4) square feet in gross surface area for exposed face, nor exceed an aggregate gross surface area of eight (8) feet.

4. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Code Enforcement Officer.

5. Height - Building name and address signs shall not project higher then fifteen (15) feet for wall signs and seven (7) feet for ground signs, as measured from base of sign or building to which the sign is to be affixed or grade of the nearest adjacent roadway whichever is higher.

B. Residential Development Signs - Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

1. Type - The residential development signs shall be ground signs.

2. Number - There shall not be more than two (2) residential development signs for each point of vehicular access to a development.

3. Area - Residential development signs shall not exceed twenty (20) square feet in gross surface area.

4. Location - Residential development 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 zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Code Enforcement Officer.

5. Height - Residential development signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

C. Exempt Signs - Exempt signs as specified in §8.7 of this Ordinance.

D. Temporary Signs - Temporary signs as specified in §8.8 of this Ordinance.

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Section 8.10 - Commercial and Manufacturing

For all commercial and manufacturing uses, the signs included in this 8.10 shall be permitted in accord with the applicable requirements and then only if accessory and incidental to a permitted use. All signs governed by this §8.10 (except for billboards and off-premises signs) shall only direct attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

A. Commercial and Manufacturing Use Signs - Commercial and manufacturing use signs, other than those subject to special conditions in later parts of this section, shall be subject to the following:

1. Wall Signs

a. a. Number - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent 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 gross surface area of a wall sign may be increased by twenty (20%) percent, except that the gross surface of the sign shall not exceed sixty-four (64) square feet, if such wall sign;

(1) 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

(2) 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 but shall not project more than twelve (12) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Code Enforcement 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 twenty (20) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

e. Special Conditions - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed

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and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.

2. Ground Signs

   a. Number - There shall not be more then (1) ground sign for each lot except that where a roof sign is located on the premise, no ground pole sign may be permitted.

   b. Area - The gross surface area of a ground sign shall not exceed thirty-two (32) square feet for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet.

   c. Location - A ground sign 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 zoning lot to a public roadway.

   d. Height - A ground sign shall not project higher than twenty-five (25) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

3. Awning, Canopy, and Marquee Signs (See §8.10.C for fuel service island canopies.)

   a. Area - The aggregate gross surface area of all awning, canopy, or marquee signs shall not exceed twenty-four (24) square feet for each principal building and no individual awning, canopy, or marquee sign shall exceed four (4) square feet in gross surface area.

   b. Coverage - An awning, canopy, or marquee sign shall not project beyond the edges of the awning, canopy, or marquee to which such sign is affixed.

4. Roof Signs

   Roof signs shall not be permitted.

5. Attraction Boards

   a. Type - Attraction Boards shall be attached to the same pole/frame as the ground sign for the lot.

   b. Number - Each retail/service/wholesale commercial premise may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the retail/service/wholesale commercial premises on which the attraction board is to be located.

   c. Area - The gross surface area of a retail/service/wholesale commercial premises attraction board shall not exceed:

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(1) In the Mixed Use District - ten (10) square feet in gross surface area for each exposed face, nor exceed twenty (20) square feet in aggregate gross surface area.

(2) In the Suburban center and Industrial Districts - twenty-four (24) square feet in gross surface area for each exposed face, nor exceed forty-eight (48) square feet in aggregate gross surface area.

d. Location - A retail/service/wholesale commercial premise attraction board 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 any zoning lot to a public roadway.

e. Height - If the attraction board is separate from the main ground pole sign, the attraction board may 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. The attraction board shall be separated by a minimum of twelve (12) inches from the main ground pole sign.

f. Items of Information - The information displayed by an attraction board, which is in Borough of compliance with the foregoing requirements, shall not be treated as items of information as otherwise specified in §8.3.

6. Billboards and Off-Premises Signs

a. Number - One (1) billboard or off-premises sign may be erected, constructed, or maintained on any premises in a Suburban center Zoning District only in accord with the following criteria:

b. Area - An off-premises sign or billboard shall not exceed one hundred fifty (150) square feet in surface area, and each such sign shall have only one (1) exposed face.

c. Spacing - An off-premises sign or billboard shall not be closer than five hundred (500) feet to another off-premises sign or billboard along the same side of any street or highway.

d. Spacing at Intersections - An off-premises sign or billboard shall not be located within fifty (50) feet of any street intersection.

e. Location - An off-premises sign or billboard shall only be permitted in the Suburban center Zoning District. The sign shall be located in accordance with the yard setbacks for structures located in the Suburban center Zoning District.

f. Height - An off-premises sign or billboard shall not project higher than twenty-two (22) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

g. Site Plan - An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements as required by this Ordinance.

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h. Engineering Certification - Any applications for an off-premise sign or billboard shall be accompanied by certification under seal by a Professional Engineer that the existence of the off-premises sign or billboard, as proposed, shall not present a safety hazard.

B. Multi-Use Signs - Multi-use project signs shall be subject to the following:

1. Wall Signs

a. Number - There shall not be more than one (1) wall sign for each principal tenant or use contained in a multi-use project except that where a tenant or use abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

(1) 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

(2) if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent of the tenant's or user's proportionate share of the building wall to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller,

(1) if such wall sign consists only of individual, outlined, alphabetic, numeric, and/or Borough of 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 illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

(2) when all wall signs located in the multi-use project utilize lettering and background uniform in style and coloring.

c. Location - A wall sign may be located on the outermost wall of any principal building but shall not project more than twelve (12) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Code Enforcement 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 twenty (20) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

2. Ground Signs

a. Number - There shall not be more than one (1) ground sign for each multi-use project.

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b. Area - The gross surface area of a ground sign shall not exceed a maximum of one (1) square foot of gross aggregate surface area for each one and one-half (1) lineal feet of front footage of the lot not to exceed one hundred (100) square feet of gross aggregate surface area.

c. Location - A ground sign 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 zoning lot to a public roadway.

d. Height - A ground sign shall not project higher than twenty-five (25) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

e. Directory Signs - Each multi-use project ground sign may include affixed directly to it a directory indicating only the names of the tenants of the multi-use project in which the sign is to be located. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face, nor exceed an aggregate gross surface area of twenty (20) square feet for each tenant located in the multi-use project in which the sign is to be located. The information displayed by a multi-use project directory sign, which is in compliance with the foregoing requirements, shall not be treated as items of information as otherwise specified in §8.3.B.

3. Awning, Canopy, and Marquee Signs (See §8.10.C for fuel service island canopies.)

a. Area - The aggregate gross surface area of all awning, canopy, or marquee signs shall not exceed twenty-four (24) square feet for each principal building and no individual awning, canopy, or marquee sign shall exceed four (4) square feet in gross surface area.

b. Coverage - An awning, canopy, or marquee sign shall not project beyond the edges of the awning, canopy, or marquee to which such sign is affixed.

4. Attraction Board

a. Type - Multi-use project attraction Boards shall be attached to the same pole/frame as the ground sign for the lot.

b. Number - Each multi-use project may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring within the multi-use project in which the attraction board is to be located.

c. Area - The gross surface area of a multi-use project attraction board shall not exceed fifty (50) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of one hundred (100) square feet.

d. Location - A multi-use project attraction board 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 any zoning lot to a public roadway.

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e. Height - If the sign is separate from the main ground pole sign, a multi-use project attraction board shall not project higher than fifteen (15) feet, as measured from the base of sign or grade of the nearest adjacent roadway, whichever is higher. If the attraction board is part of and mounted on the main ground pole sign, the attraction sign shall be separated by a minimum of twelve (12) inches from the main multi-use project sign.

f. Items of Information - This information displayed by a multi-use project attraction board, which is in compliance with the foregoing requirements, shall not be treated as items of information as otherwise specified in §8.3.B.

C. Fuel Service Islands

1. Identification Signs - Service island identification signs at fuel service islands indicating the type of service offered, the price of fuel and other relevant information or direction to persons using the facility, but containing no advertising material of any kind, shall be subject to the following:

a. Type - Service island identification signs may be either wall signs or ground signs.

b. Number - There shall not be more than one (1) service island or identification sign for each service or pump island located on the premises.

c. Location - Service island identification signs may be located on the outermost wall of any principal building, on the pumps, or within the area of a service island.

d. Area - The gross surface of a service island identification sign shall not exceed six (6) square feet for each exposed face, nor exceed an aggregate gross surface of twelve (12) square feet.

e. Height - A service island identification sign shall not project higher than fifteen (15) feet, as measured from the base of sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is lower.

f. Special Conditions - The information displayed by a service island identification sign which is in compliance with the foregoing requirements shall not be treated as items of information as specified in §8.3.

2. Canopy Signs - Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:

a. Location - Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.

b. Number - There shall not be more than one (1) service island canopy sign on each face of the canopy.

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c. Area - The gross surface of a service island canopy sign shall not exceed fifty (50) percent of the surface area of the canopy face to which it is attached.

D. Window Signs - Interior and exterior window signs shall be permitted for retail/service/wholesale commercial premises subject to the following:

1. Area - The total surface area of all window signs shall not exceed twenty-five (25) percent of the area of the window to which the signs are attached.

2. Location - Window signs shall be permitted only in windows facing the front yard of the building.

E. Wood Relief Sign Area Bonus - Ground signs permitted under §8.10.A.2 (Commercial and Manufacturing Uses) and §8.10,B,2 (Multi-Use Project) shall be eligible for an increase in size of fifty (50) percent provided:

1. Signs shall be wood or simulated wood relief only with external illumination.

2. Signs shall be designed as an integral architectural element of the building and component of the site.

3. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

4. Signs shall not exceed a height of fifteen (15) feet.

F. A-Frame or Sandwich Board Signs - A-frame or sandwich board signs shall be permitted as a temporary sign for retail/service/wholesale commercial establishments subject to the following:

1. Each business establishment shall be limited to one (1) A-frame or sandwich board sign.

2. The sign shall be comprised of two (2) boards of durable material with no attachments.

3. The sign shall not exceed eight (8) square feet for each exposed face and shall not exceed thirty (30) inches in width.

4. The sign shall not be illuminated.

5. The sign shall be displayed only during the hours when the establishment is open for business and shall include advertising pertaining only to the establishment of location.

6. The sign shall not be placed in such manner as to impede pedestrian or vehicle traffic or the opening of vehicle doors.

7. The sign shall be sufficiently secured or weighted to resist overturning.

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8. The placement of the sign shall comply with PennDOT and Americans With Disabilities Act requirements.

9. The sign shall not be displayed at any time when snow has accumulated on or has not been completely removed from the sidewalk in front of the premises where the sign is permitted.

G. Electronic Text Message Signs - Electronic text message signs shall be permitted only in accord with the following:

1. Location - Electronic text message signs shall be permitted only in association with an approved use on parcels which front on Route 6/Route 11north of Highland Avenue and south of Grove Street.

2. Use - An approved use shall be limited to one (1) electronic text message sign which may be used in place of any of the signs permitted by §8.10 except awning signs, canopy signs, window signs, and A-frame or sandwich board signs.

3. Area - The gross surface area of an electronic text message sign shall not exceed thirty-two (32) square feet for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet.

4. Manufacturers Standards - Except as may be otherwise restricted by this Ordinance, electronic text message signs shall be installed, operated and maintained in conformance with the manufacturer's specifications.

5. Minimum Message Exposure Time - The minimum amount of time that a message must be shown shall be not less than five (5) seconds.

6. Maximum Transition Time - The maximum amount of time for one message to change to the next displayed message shall not exceed three (3) seconds.

Section 8.11 - Permits

A. Permit Required - Except for the following, no person may erect, alter, or relocate within the Borough any sign without first obtaining a sign permit from the Code Enforcement Officer and paying the required fee:

1. Exempt signs as specified in §8.7.

2. Real estate and temporary construction signs.

3. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

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B. Permit Application - Applications for sign permits shall be submitted to the Code Enforcement Officer and shall contain or have attached thereto the following information:

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 Code Enforcement 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 Code Enforcement Officer may require to determine full compliance with this and other applicable ordinances of the Borough.

C. Issuance of Permits - Upon the filing of an application for a sign permit, the Code Enforcement 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 Code Enforcement Officer shall issue a permit for the proposed sign. 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 Code Enforcement Officer for a single additional ninety (90) day period.

D. Permit Fees - Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution by the Borough Council.

E. Revocation of Permit - All rights and privileges acquired under the provisions of this Ordinance are mere licenses and, as such, are at any time revocable for just cause by the Borough. All permits issued pursuant to this Section are hereby subject to this provision.

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Section 8.12 - Review of Existing Permanent Signs

A. Requests for Inspection - Any person may file a written request with the Code Enforcement Officer requesting an inspection of one (1) or more existing permanent signs as identified in the request. In each such instance, the Code Enforcement Officer shall promptly inspect such signs(s) to determine compliance with the provisions of this Ordinance. However, no existing permanent sign need be inspected more than two (2) times annually. The Code Enforcement Officer shall make a written report indicating the findings of the inspection to both the owner of the inspected sign and to the person filing the request for inspection.

B. Notices of Violation - The Code Enforcement Officer shall notify, in writing, each owner of an existing permanent sign found to be in violation of any provision of this Ordinance. The notice shall specifically refer to each section of this Ordinance under which a violation has been found to exist and thereupon describe the features of the inspected sign found to be deficient and the corrections which are required.

Section 8.13 - Non-Conforming 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.

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ARTICLE 9
Nonconformities

Section 9.1 - Intent and Applicability

A. 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. Continuing nonconforming uses are disfavored to the extent permitted by law.

B. A lawful nonconforming use, structure, or lot as defined by this Ordinance and within scope of the use existing at the time the nonconformity arose may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in operation of a nonconforming use 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,” a very limited exception currently recognized by Pennsylvania law, of the active use existing at the time the nonconformity arose, which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 25% 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 or setbacks when already failing to meet minimum yard setback areas or does not increase impervious surface.

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.

5. The alteration or expansion does not violate any other provision of this ordinance or any Borough Ordinances including but not limited to stormwater.

6. The alteration or expansion does not impair the fundamental constitutional and legal rights of neighboring properties.

7. Does not include a change of land use.

Section 9.2 - Nonconforming Uses

A. 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;

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2. The expansion meets all applicable setbacks;

3. Yard requirements are met;

4. No new types of nonconformities are created; and

5. The impervious surface coverage is not increased or changed;

6. The residential property is not used for non-residential uses;

7. The property complies with all other Ordinances including but not limited to stormwater management, lot coverage, and mitigation; and

8. A nonconformity is not made more severe (including the building area within the required setback area).

B. 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 exceed the permissible impervious surface coverage permissible for the Zoning District in which the use exists.

C. Abandonment of Nonconforming Uses.

If a nonconforming use is discontinued or otherwise abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

D. 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.

E. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

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Section 9.3 - Nonconforming Structures

A. Reconstruction or Expansion of Nonconforming Structures.

1. The Code Enforcement Officer shall permit a nonconforming structure to be reconstructed or expanded, with expansion limited to the minimum extent allowed by law, 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 and Borough Ordinances including stormwater management, lot coverages, impervious surface, and mitigation.

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, in whole or in part, of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 6 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 Code Enforcement Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.

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

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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 including stormwater management, impervious surface, lot coverage, limits and accessory uses compliance 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. Merger 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 be merger 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 Clarks Summit 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 Code Enforcement Officer after providing sufficient evidence.

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ARTICLE 10
Zoning Hearing Board

Section 10.1 - Organization and Procedure

A. Organization.

1. The Clarks Summit 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 Clarks Summit 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 Clarks Summit Borough. The Zoning Hearing Board shall submit reports of its activities to the Clarks Summit Borough Council when requested.

B. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of three (3) residents of Clarks Summit Borough appointed by the Clarks Summit Borough Council by resolution. Their terms of office shall be three (3) 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 Clarks Summit 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 Clarks Summit Borough.

C. Qualifications.

Each Zoning Hearing Board Member should:

1. Demonstrate a working knowledge of zoning prior to appointment

2. Become familiar with the PA Municipalities Planning Code

3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.

D. 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 Clarks Summit Borough Council, taken after the member has received 15 days' advance notice of the intent to take

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such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

E. 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 Code Enforcement 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 Clarks Summit Borough Council, payable to Clarks Summit Borough.

F. 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).

G. Expenditures for Services.

Within the limits of funds appropriated by the Clarks Summit 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 Clarks Summit Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Clarks Summit 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:

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A. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Clarks Summit 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 Code Enforcement 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 Code Enforcement 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 Code Enforcement 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 Code Enforcement 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. Under long-standing Pennsylvania and federal law and under constitutional law, variances represent an extreme and extraordinary remedy because they represent an extraordinary deviation from constitutional requirements that zoning regulations be applied evenly and uniformly to all persons and properties. The Borough follows the law on variances. As such, grants of variances should be rare, and any grant must strictly conform to legal requirements for allowing such a rare variance.

B. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict legally-defined "unnecessary hardship" upon the applicant that impairs any development of the subject property. Upon appeal, the Zoning Hearing Board shall have the power to authorize the extraordinary remedy of a variance 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, compliance with the substantive law, and compliance with constitutional standards. A variance may be granted if all of the following findings are made, where relevant in a given case:

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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 legally-defined "unnecessary hardship," which precludes any development of the property, 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 any way 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.

C. 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, Borough Ordinances, and respect for the fundamental constitutional right of quiet enjoyment by neighboring properties.

D. 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 6 additional months upon written request by the applicant prior to the initial expiration date and with strict proof of due cause for the delay.

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, other Borough Ordinances, constitutional and legal requirements, and to protect the public health, safety, and welfare.

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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 may 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.

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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

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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, arbitration, or other alternative dispute resolution;

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;

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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. The applicant shall notify the Borough of the mediation election. Voluntary participation in mediation shall automatically toll all deadlines, such as Section 10.6(o), until notified in writing by the applicant of the conclusion or failure of mediation.

D. 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 Code Enforcement 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).

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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, 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;

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(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) Stormwater management facilities;

(14) Traffic control devices located within a public right-of-way or governmental easement;

(15) 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;

(16) Railroad sidings;

(17) Public transit stops involving surface improvements only;

(18) Signs specifically exempted from permit; and

(19) 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 Clarks Summit Borough Zoning Hearing Board or the Clarks Summit Borough Council; and

(3) Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Clarks Summit Borough.

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(d) Application Procedures.

(1) Applications for zoning permits shall be submitted by the applicant to the Code Enforcement 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 Code Enforcement 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 Code Enforcement 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 Code Enforcement Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Code Enforcement 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 Code Enforcement Officer shall grant such zoning permit application.

(5) The Code Enforcement 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 Clarks Summit Borough Council, is paid to the Clarks Summit 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 Clarks Summit Borough Council shall be doubled to reflect the additional expense incurred by the Clarks Summit 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

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or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

(7) In all instances in which the Code Enforcement 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 shall be denied.

(8) An applicant whose request for a zoning permit has been denied by the Code Enforcement 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 Code Enforcement 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 Code Enforcement 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;

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(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 and with supporting data and information 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

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floor area, the types of business, any outdoor operations, any storage requirements, services or goods offered, 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 Code Enforcement 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 Code Enforcement Officer.

   (b) The application for a certificate of use and occupancy shall be in such form as the Code Enforcement 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 Code Enforcement 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 Code Enforcement 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 Code Enforcement 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 Code Enforcement 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.

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(a) Building permit administration shall be governed by provisions of the current building code adopted by Clarks Summit Borough; provided, however, that no building permit shall be deemed valid until the Code Enforcement 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 Code Enforcement 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 - Code Enforcement Officer

A. Appointment and Powers of the Code Enforcement Officer.

It shall be the duty of the Code Enforcement 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 Clarks Summit Borough Building;

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 Clarks Summit 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 Clarks Summit Borough Council and other Clarks Summit Borough officials;

8. Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and

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9. To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Clarks Summit Borough Council.

Section 11.3 - Fees

A. The Clarks Summit 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 Clarks Summit Borough Building.

C. All such fees shall be payable to Clarks Summit 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 Clarks Summit Borough Council or an officer of the Borough, with the approval of the Clarks Summit Borough Council, or any aggrieved owner or tenant of real property who shows that his property or person will be 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 Clarks Summit 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;

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(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.

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Section 11.5 - Planning Commission

The Clarks Summit 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 Clarks Summit Borough Council in the administration of this Ordinance and the adopted subdivision and land development regulations of Clarks Summit 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 Clarks Summit Borough Council, upon which a member of the Clarks Summit 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 Clarks Summit Borough Council, have the power and shall be required to, at the request of the Clarks Summit 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 Clarks Summit Borough Council;

3. Make recommendations to the Clarks Summit Borough Council concerning adoption or amendment of an official map;

4. Prepare and present to the Clarks Summit Borough Council a zoning ordinance and make recommendations to the Clarks Summit 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.

6. Be consulted according to mandatory requirements in the Pennsylvania Municipalities Planning Code (MPC) such as to dispose of Borough property (e.g., MPC §303).

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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.

The extraordinary remedy of 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. Rezoning must comply with constitutional law and substantive law.

2. Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Code Enforcement 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 with supporting data and information 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; activity taking place outside, any permits required to conduct the business,

(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;

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(3) Density comparison between existing and proposed zoning districts; and/or

(4) Geotechnical/stormwater analysis

(5) Noise analysis and impact study.

(i) Proof of individual notification by USPS of all property owners within 500' of the proposed rezoning location detailing the rezoning request.

3. Review of Rezoning Applications.

(a) The Code Enforcement 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 Clarks Summit 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 Clarks Summit 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 Clarks Summit 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 Clarks Summit Borough Council and Planning Commission.

(e) The Clarks Summit 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 Code Enforcement Officer will update the Zoning Map accordingly.

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C. Zoning Ordinance Amendments.

The Clarks Summit 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 Clarks Summit 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 Clarks Summit 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 Clarks Summit 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).

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DULY ENACTED AND ORDAINED this 2nd day of December, 2020, by the Borough Council of the Borough of Clarks Summit, Lackawanna County, Pennsylvania, in lawful session duly assembled.

_____
Germaine Carey, President
Clarks Summit Borough Council

ATTEST:

_____
Virginia Kehoe,
Borough Manager

_____
Herman Johnson, Mayor
Clarks Summit Borough

Passed by Clarks Summit Borough Council on this 2nd day of December, 2020, receiving the affirmative votes of _____negative votes of _____.

I certify that the above is a true copy of the Borough of Clarks Summit, Lackawanna County. Pennsylvania, Ordinance No. 2020-04 adopted by the Borough Council of Clarks Summit on December 2, 2020, and advertised on in the Scranton Times Tribute on November 18, 2020.

_____

Virginia Kehoe,
Borough Secretary

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