

## Chapter 224

### ZONING

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[HISTORY: Adopted by the Borough Council of the Borough of Dallastown 1-23-1995 by Ord. No. 414, which ordinance also repealed the prior Zoning Ordinance of Dallastown Borough adopted September 1, 1963, and all amendments thereto. Amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 90.  
Stormwater management — See Ch. 173.

Subdivision of land — See Ch. 183.  
Trailer parks — See Ch. 194.

#### ARTICLE I

#### Title, Purpose and Community Development Objectives

##### § 224-1. Title.

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

##### § 224-2. Purpose.

The purpose of these regulations is to provide for the harmonious development of the borough by facilitating:

- A. The orderly and efficient integration of land development within the borough.
- B. Proper density of population.
- C. Adequate water and sewerage.
- D. Adequate police and fire protection, schools, parks and other public grounds and buildings.
- E. The protection of water resources and drainageways.

- F. Adequate light and air.
- G. Adequate transportation, parking and loading space.
- H. The public health, safety and welfare of the citizens of the borough.
- I. Adequate sites for recreation, conservation and open space.
- J. The prevention of blight and overcrowding of land.

### **§ 224-3. Community development objectives.**

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

## ARTICLE II **Terminology**

### **§ 224-4. Intent.**

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

### **§ 224-5. General interpretation.**

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

- A. Words used in the present tense imply the future tense.
- B. Words used in the singular imply the plural.
- C. The word "person" includes a partnership, corporation or other legal entity as well as an individual.
- D. The words "shall," "required" or "must" are to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

### **§ 224-6. Definitions.**

For the purposes of this chapter, the following words and phrases have the meanings given herein:

**ACCESS DRIVE** — A private minor vehicular right-of-way, other than a street, providing access from a street to a property or parking area within a lot. Access drives shall be required for all commercial, institutional (including but not limited to schools, hospitals, and religious institutions) and industrial uses and all multifamily dwellings. (See § 224-25.)

**ADDRESS OF CONVENIENCE** — The accessory use of a dwelling unit for the sole purpose of receiving phone calls, mail and keeping business records in connection with any profession or occupation. An address of convenience shall not be considered a home occupation, requires no permit and does not involve employees outside of the household residents nor any activity at the premises other than communication by mail or electronic means. No goods, merchandise or services of any sort that are to be bought or sold shall be physically located on the premises of an address of convenience. An address of convenience may be located in a dwelling unit in any zone.

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

- A. **ADULT BOOKSTORE** — An establishment in which 5% or more of the occupied sales or display area offers for sale, for rent or lease, for loan or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion-picture film, videotape or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct or which offers sexual devices for sale.
- B. **ADULT CABARET** — An establishment, club, tavern, restaurant, theater or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
- C. **ADULT MASSAGE PARLOR** — An establishment whose business is the administration of massage to the anatomy of patrons, regardless of whether or not the same includes sexual conduct.
- D. **ADULT THEATER** — A building, or a room within a building, used for presenting motion-picture film, videotape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

**AGRICULTURE** — The use of land for farming, dairying, pasturage, silviculture, horticulture, floriculture, viticulture or animal or poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals; includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program.

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

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

**AMENDMENT** — A change which includes revisions to the zoning text and/or the Official Zoning Map.

**ANIMAL HOSPITAL** — A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits and birds or fowl. The use may include the boarding of such animals during medical or surgical treatment.

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

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

**AUTOMOBILE BODY SHOP** — A building on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles for conveyance.

**AUTOMOBILE DISMANTLING PLANT** — The dismantling or wrecking of used automobiles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**AUTOMOBILE GARAGE** — A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing or supplying of gasoline or oil to automobiles, trucks, recreational vehicles and similar motor vehicles.

**AUTOMOBILE, RECREATIONAL VEHICLE AND/OR TRAILER SALES DISPLAY BUILDING** — A building for the display or sale of new or used automobiles, recreational vehicles or trailers.

**AUTOMOBILE, RECREATIONAL VEHICLE AND/OR TRAILER SALES LOT** — An open lot for the outdoor display of new or used automobiles, recreational vehicles or trailers accessory to an automobile, recreational vehicle or trailer sales or display building.

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

**BASEMENT** — That portion of a building partly underground, but having 1/2 or more of its height above the average level of the adjoining ground. A basement shall be considered as a story in determining compliance with building height restrictions.

**BED-AND-BREAKFAST INN** — A single-family residence or portion thereof containing not more than three guest rooms which are used by not more than six guests where rent is paid in money, goods, labor or otherwise.

**BUILDING** — Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, mechanical devices or property, and including covered porches, bay windows and chimneys. (See "structure.")

- A. **ACCESSORY BUILDING** — A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.
- B. **ATTACHED BUILDING** — A building which has two or more party walls in common, except in the case of end units of single-family attached dwellings which have one party wall in common.
- C. **DETACHED BUILDING** — A building which has no party wall.
- D. **PRINCIPAL BUILDING** — A building in which is conducted the primary use of the lot on which it is located.
- E. **SEMIDETACHED BUILDING** — A building which has only one party wall in common.

**BUILDING AREA** — The total area of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

**BUILDING HEIGHT** — The total overall height of a building measured from the grade level to the highest point of the roof

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

- A. **ADULT DAY-CARE CENTER** — Any premises where care is provided to four or more elderly or disabled adults for part of a twenty-four-hour day, excluding care provided by relatives. Such care includes personal assistance, the development of skills for daily living and the provision of social contact.
- B. **CHILD DAY-CARE CENTER** — A facility licensed by the state that provides a wide range of formal day-care services for remuneration to seven or more children, who are supervised by a qualified staff. The child care areas in a day-care center shall not be used as a family residence.
- C. **CONVALESCENT OR NURSING HOME** — A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home.
- D. **DOMICILIARY CARE HOME** — An existing building or structure designed as a dwelling unit for one family which provides twenty-four-hour supervised protective living arrangements by the family residing therein for not more than three unrelated persons 18 years of age and above who are disabled physically, mentally, emotionally or who are aged persons.

- E. **FAMILY DAY-CARE HOME** — A facility located in a single-family residence which provides supervised care for remuneration to not more than six children or adults, but not both children and adults, who are not relatives of the caregiver.
- F. **GROUP DAY-CARE HOME** — A facility, located in a single-family residence, which provides supervised care for remuneration to more than six but fewer than 12 children who are not relatives of the caregiver.
- G. **GROUP HOME** — A type of group quarters, specifically a dwelling designed for a group of mentally and/or physically disabled persons living and cooking together in a single dwelling unit. A group home may be affiliated with a parent institution which provides for the administration of the residents, who are required to reside on the premises to benefit from the service, through the direction of a professional staff and for supervision of residents by full-time resident staff.
- H. **PERSONAL CARE BOARDING HOME** — A type of group quarters, specifically a premises in which food, shelter and personal assistance or supervision are provided, on a state or federal licensed basis, for a period exceeding 24 consecutive hours for at least four but not more than 16 persons who are over the age of 18, are not relatives of the operator and who are aged, blind, disabled, infirm or dependent but do not require skilled or intermediate nursing care.

**CELLAR** — That portion of a building partly underground and having more than 1/2 of its height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

**CERTIFICATE OF USE AND/OR OCCUPANCY** — The certificate issued by the Zoning Officer 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.

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

**CONTRACTOR'S OFFICE OR SHOP** — Offices and shops for tradesmen, such as building, cement, electrical, masonry, painting and roofing contractors.

**CROPS AND GARDENING** — The cultivation of land involving the planting, tending and harvesting of plants. Such land uses may involve tilling by hand or machine, fertilizing and similar horticultural activities.

**DRIVE-IN BUSINESS** — A commercial establishment, including a drive-in eating establishment, primarily offering stand-up counter, vending machine, window or in-car service and/or offering prepared or standardized food for either on-premises or off-premises consumption.

**DRIVEWAY** — An improved surface for vehicular travel which provides access between a street and a lot. For the purposes of this chapter, drives for all residential uses (except

multifamily dwellings) and all agricultural uses shall be considered driveways (see § 224-24). All other uses shall be served by an access drive as defined in this section and § 224-25 of this chapter.

**DWELLING** — A building or structure designed for living quarters for one or more families, including mobile homes, but shall not include hotels, rooming houses, convalescent homes or other accommodations used for transient occupancy.<sup>1</sup>

- A. **MULTIFAMILY DWELLING** — A building containing three or more dwelling units (such as apartment houses and garden apartments). All dwelling units are located on a single lot and share with other units a common yard area.
- B. **SINGLE-FAMILY ATTACHED DWELLING** — A portion of a building containing one dwelling unit and having two party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot. End units which have one party wall in common are included and are subject to the lot area requirements for other single-family attached units but must meet setback requirements on the open side.
- C. **SINGLE-FAMILY DETACHED DWELLING** — A building containing only one dwelling unit and having two side yards.
- D. **SINGLE-FAMILY SEMIDETACHED DWELLING** — A portion of a building containing one dwelling unit, having one side yard and one party wall in common with another dwelling unit. Each dwelling unit is located on a single lot.
- E. **TWO-FAMILY DETACHED DWELLING** — A building containing two dwelling units, having two side yards and one partition in common between the two units. Both dwelling units are located on the same lot.

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

**EASEMENT** — A limited right of use granted on private land for public use or private use by another party or parties, or a protective condition, as in the case of drainage easements for protection and/or preservation of a specified area.

**FAMILY** — One or more persons who live in one dwelling unit and maintain a common household; may consist of a single person or two or more persons, whether or not related by blood, marriage or adoption; may also include domestic servants and gratuitous guests, but not occupants of a club, fraternal lodging or boardinghouse.

**FARM** — Any parcel of land which is used for agricultural purposes, including necessary farm structures within the prescribed limits, which may include a single-family dwelling and the storage of equipment customarily incidental to the principal use. For the purposes of this chapter, a farm shall not include a kennel.

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1. **Editor's Note: Drawings of the following dwelling types are included at the end of this chapter.**

**FENCE** — Any combination of materials creating an enclosure or barrier to prevent intrusion from outside or straying from within. The height of all fences and walls or portions thereof shall be measured from grade level.

**FINANCIAL INSTITUTION** — A commercial savings and loan or banking establishment that provides office space for financial assistance and/or protective savings and investment services.

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

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

**GREENHOUSE, HORTICULTURAL NURSERY** — A use primarily involving horticulture, which includes the sale of plants grown on the premises and related goods and materials.

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

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

**HALFWAY HOUSE** — A dwelling for the transitional, institutional supervision of individuals who have violated the law and who are sent to a halfway house upon release from or in lieu of being sent to a penal institution.

**HEAVY STORAGE** — The storage of goods, material, equipment and/or large vehicles (including but not limited to trucks and buses). Such storage includes warehousing and wholesale establishments and the exterior storage of the types of vehicles noted above.

**HOME OCCUPATION** —

A. A special type of accessory use, specifically, an occupation or profession which:

- (1) Is carried on only in a dwelling unit;
- (2) Is carried on by a member of the family residing in the dwelling unit; and
- (3) Is clearly incidental and secondary to the principal use of a property for residential purposes.

- B. Any sales in conjunction with the home occupation shall be limited to items produced on site or items incidental to the home occupation.

**HOSPITAL** — A place for the diagnosis, treatment or other care of humans and having facilities for inpatient care.

**HOTEL** — A building in which guest rooms are provided for occupancy, with or without meals, for compensation, by transient or semipermanent guests, or both, and in which no provision is made for cooking in any individual room or suite.

**HOUSE OF WORSHIP** — A building used primarily as a meeting place for religious gatherings and services.

**IMPERVIOUS SURFACE** — Those paved surfaces that do not absorb precipitation. Areas including but not limited to parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick or asphalt shall be considered impervious surface. In addition, all buildings and structures shall be considered as impervious surfaces for computations of lot coverage.

**INDOOR COMMERCIAL RECREATION ESTABLISHMENT** — A commercial leisure time activity or amusement contained within a building, such as a bowling alley, billiard room or video arcade.

**INDUSTRIAL ACTIVITIES** — The manufacturing, processing and/or assembly of materials, including but not limited to such activities as printing and publishing, electronic components industries, tool and die making, molding plastics, bottling operations, food processing, furniture making, metal fabrication and textiles.

**INDUSTRIAL PARK** — A tract of land:

- A. Organized and laid out in accordance with an overall plan for a community of industries on separate building sites arranged on streets with utility services; and
- B. Designed to ensure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, setbacks and use requirements.

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

**KENNEL** — Any building or buildings and/or land used for the sheltering, boarding, breeding or training of dogs, cats, fowl or other small domestic animals at least four months of age and kept or bred for profit, but not to include the keeping of livestock for agricultural purposes. A kennel operation may include accessory uses such as animal grooming.

**LAND DEVELOPMENT** — Any of the following activities:

- A. The improvement of one lot or two or more continuous lots, tracts of 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.

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

**LAUNDRY, DRY-CLEANING ESTABLISHMENT** — A type of personal service business which provides over-the-counter garment cleaning service for customers.

**LAUNDRY OR LAUNDROMAT (SELF-SERVICE)** — A commercial establishment where patrons have direct access to coin-operated laundry equipment.

**LIVESTOCK** — Any domestic farm animals such as cattle, donkeys, horses, mules, burros, sheep, hogs or goats kept for agricultural use, commercial purposes or pleasure.

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

- A. **CORNER LOT** — A lot located at the intersection of and fronting on two streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.
- B. **DOUBLE FRONTAGE LOT** — A lot extending between and having frontage on two streets. The front setback requirements of the zone in which the lot is located shall apply to both street frontages.
- C. **INTERIOR LOT** — A lot having frontage on one street, adjoined on the sides and rear by other lots.
- D. **REVERSE FRONTAGE LOT** — A lot extending between and having frontage on a minor street and either an arterial or collector street with vehicular access solely from the minor street. The front setback regulations of the zone in which the lot is located shall apply to both street frontages.
- E. **TRIPLE FRONTAGE LOT** — A lot fronting on three streets. The front setback regulations of the zone in which the lot is located shall apply to each street frontage.

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

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

**LOT LINES** — The lines bounding a lot as described in the recorded title; also referred to as "property lines."

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

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

**MINI-STORAGE FACILITY** — A commercial rental facility providing for the enclosed storage of household items, recreational vehicles and/or equipment and/or classic or antique automobiles where said items are retained for direct use by their owner, who shall have direct access thereto without intermediate handling by the proprietor of the facility. Mini-storage units shall not be used as offices or shops and shall not house any items or operations other than dead storage as specified above. No volatile or hazardous materials shall be stored in such facilities.

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

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

**MOBILE HOME PARK** — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

**MOBILE HOME SALES LOT** — An open lot for the outdoor display of new or used mobile homes.

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

**MULTIFAMILY OR TWO FAMILY CONVERSION** — A multifamily or two-family dwelling constructed by converting an existing building into dwelling units for more than one family, without substantially altering the exterior of the building. Such conversions shall be subject to review and permitting procedure by the Borough Planning Commission, Borough Council, Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection, where applicable.

**NONCONFORMITY** — A use, structure, lot or dimension in conflict with the regulations of this chapter, existing on the effective date of this chapter or existing at any subsequent amendment of this chapter or created by variance. Specifically, the following types of nonconformities are distinguished:

- A. **NONCONFORMING LOT** — A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- B. **NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to nonconforming signs.
- C. **NONCONFORMING USE** — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation.

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

**OPEN AREA (MINIMUM)** — A percentage which, when multiplied by the lot area, will determine the area of the lot upon which buildings, structures and paving are not permitted.

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

**PARCEL** — Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land shall be considered continuous even though separated by public or private roads.

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

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

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

**PARK OR OTHER RECREATION AREA OF A NONPROFIT NATURE** — Any land including buildings and structures upon such land which is used for active or passive recreation that is of a noncommercial, i.e., nonprofit, nature. Such uses would include but not be limited to athletic fields and picnic areas. (Examples of uses not included are outdoor sports clubs, golf courses and similar facilities which are not public and involve a commercial rate for use or membership fees in lieu of such rates.)

**PAVED AREA** — That part of a lot's area which is covered by an impervious surface other than buildings and structures; e.g., driveways, parking areas and walkways.

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

**PLAN** — A map, plat or layout showing the subdivision of land or land development and indicating the location and boundaries of individual properties.

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

**PROFESSIONAL OR BUSINESS OFFICE** — An office which generally operates on an appointment basis. Business offices shall include advertising agencies, opticians' offices, personnel agencies and travel and ticket agencies. Professional offices shall include offices of accountants, actuaries, architects, attorneys, clergy, dentists, designers, engineers, insurance and bonding agents, manufacturing representatives, physicians, real estate agents, teachers and miscellaneous consulting services; also included are offices of a governmental agency, social service organization, District Justice, notary, public or private utility or political organization or an office of a bank, savings and loan association, credit or loan company, collection agency or stock and bond broker.

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

**PUBLIC SEWER** — A municipal sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

**PUBLIC WATER** — A municipal water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

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

**RESEARCH LABORATORY** — An establishment in which the principal use involves testing and/or research. Such uses may involve but are not necessarily limited to metallurgical, chemical, electronic or biological research, testing and development activities.

**RESTAURANT** — A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

**RETAIL STORE OR SHOP** — Any shop or store whose primary activities involve the sale or lease of amusements and games, antiques, art, books, beverages, carpets and rugs, ceramics and glass, confections, drugs, dry goods, flowers, food, furniture, gifts, garden supplies, hobbies, hardware, household appliances, household pets and supplies, leather goods, musical supplies and equipment, notions, paint, periodicals, photographs and photographic equipment, radio, television and sound equipment, sporting and camping goods, stationery, tobacco, toys

and wearing apparel. The wholesale distribution or manufacture of the foregoing products are not included herein and are permitted only as provided in other appropriate sections of this chapter. Among the uses not to be interpreted as retail stores or shops are uses specifically provided for elsewhere in this chapter, including but not limited to service stations, vehicular sales and rental, restaurants, taverns, hotels and motels, business services, funeral homes, contractor's offices and building material sales.

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

**ROADWAY** — The portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder; also referred to as "travelway" or "cartway."

**ROOMING HOUSE** — A residential building or a portion thereof, other than a hotel containing not more than one dwelling unit, where lodging is provided with or without meals for compensation.

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

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

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

**SCREEN PLANTING** — A vegetative material the purpose of which is to conceal from the view of property owners in adjoining zones or on adjacent lots the structures and uses on the premises on which the screen planting is located.

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

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

- A. **FRONT SETBACK** — The required distance between the street right-of-way line (regardless of whether the same is also a front, side or rear lot line) and the front setback line projected the full width of the lot.
- B. **REAR SETBACK** — The required distance between the rear lot line, unless such line is also a street line, and the rear setback line projected the full width of the lot.

- C. **SIDE SETBACK** — The required distance between the side lot line, unless such line is also a street line, and the side setback line projected from the front setback line to the opposite setback line. However, in the case of corner lots, the second side setback shall be the required distance between the rear lot line and the side setback line projected from the side lot line to the opposite front setback line.

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

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

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

**SEXUALLY EXPLICIT NUDITY** — A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernibly turgid state; the postpubertal, full or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

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

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

- A. **ADVERTISING SIGN** — A sign for directing attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.
- B. **BUSINESS SIGN** — A sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.
- C. **DIRECTIONAL SIGN** — A sign which directs people to a community; an event of public interest; public uses and buildings; uses and buildings of service and charitable organizations; and uses and buildings of commercial nature, provided that no advertising matter other than identifying name or symbol shall be contained on signs of this type.

- D. **FREESTANDING SIGN** — A sign supported by uprights or braces placed upon or in the ground and not attached to a building.
- E. **PARALLEL SIGN** — A sign attached, painted or otherwise mounted parallel to the surface of that portion of the building or structure to which it is affixed.
- F. **PORTABLE SIGN** — A sign of any material, with or without changeable type lettering, illuminated or nonilluminated, mounted or transported on a vehicle, trailer or similar structure, with or without wheels and not permanently attached to the ground, often referred to as a "mobile sign."
- G. **PROJECTING SIGN** — A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.
- H. **SIDEWALK SIGN** — Any A-frame, inverted V-shaped or similar structure resting on the ground with no permanent attachment and used for display as a temporary business sign.

**SMALL PROCESSING ESTABLISHMENT** — A commercial enterprise in which the principal use involves light processing and/or repair, in conjunction with retail sales or personal service, such as an optician's office and optical laboratory. Such establishments shall not exceed 2,000 square feet of ground floor area.

**SOLID WASTE** — Garbage, refuse and other discarded materials, including but not limited to solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous waste materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988,<sup>2</sup> and 25 PA Code Chapter 273, as amended, supplemented or revised.

**SPECIAL EXCEPTION** — Approval granted an applicant to use land and/or structures in a zone for a purpose other than that generally permitted outright in that zone. A special exception is granted by the Zoning Hearing Board in accordance with the terms, procedures and conditions as set forth in Articles V and VI.

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

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

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

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2. Editor's Note: See 53 P. S. § 4000.101 et seq.

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

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

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding patios, driveways, walkways and parking areas. For all regulatory purposes, all buildings are considered structures.

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

B. **PRINCIPAL STRUCTURE** — A structure which is directly involved in the principal use of the lot on which said structure is located.

**SWIMMING POOL, OUTDOOR** — Any outdoor pool or open tank, including spas and hot tubs, containing or normally capable of containing water to a depth at any point greater than 1 1/2 feet. Farm ponds, lakes, livestock watering tanks and detention basins are not included, provided that swimming was not the primary purpose for their construction.

**TAVERN** — An establishment which serves primarily alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

**TRACT** — An area of land which may comprise the entire area or a subpart of a parcel. Individual tracts within a parcel of land which are not separately deeded shall not constitute separate lots for the purpose of construction, permitting or for the other purposes of this chapter. Such tracts contained within a parcel shall be considered descriptive only.

**TRASH; JUNK** — Any garbage, debris, material, equipment and/or apparatus which has been discarded and is no longer functional.

**USE** — The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained. **[Amended 12-8-2003 by Ord. No. 508]**

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

B. **PRINCIPAL USE** — The main or primary use of property, buildings or structures. Except as specifically noted, only one use permitted by right or by special exception shall be permitted as a principal use on an individual lot. For example, one single-family dwelling, one commercial establishment or one industrial firm shall be permitted on an individual lot. Complexes listed as permitted uses, such as an industrial park or shopping center, shall be limited to one such complex per lot.

**UTILITY SHED** — A small nonrental building designed primarily for storage of yard and garden equipment and miscellaneous household items incidental to a dwelling and customarily

made of prefabricated materials, purchased, assembled or erected and used exclusively by the property owner.

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

WAREHOUSE — A structure to be used for storage of equipment and/or merchandise.

WHOLESALE ESTABLISHMENT — A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants or industrial, institutional and commercial users mainly for resale or business use.

YARD — A prescribed open area on a lot, unobstructed from the ground upward, except as modified in Article IV of this chapter.

- A. FRONT YARD — An area bounded by the street right-of-way line(s), front wall of the principal building and side lot line(s).
- B. REAR YARD — An area bounded by the rear lot line (and street right-of-way line in the case of double frontage, reverse frontage or triple frontage lots) and the rear wall of the principal building and side lot lines.
- C. SIDE YARD — An area bounded by a side lot line and the front, rear and/or side walls of the principal building.

**ARTICLE III  
Zone Regulations**

**§ 224-7. Zones and boundaries.**

- A. Establishment of zones. The Borough of Dallastown is divided into six zones enumerated below and shown on the map entitled "Zoning Map of Dallastown Borough."<sup>3</sup>

R-O	Residential-Outlying Zone
R-T	Residential-Town Zone
C-S	Commercial-Shopping Zone
C-H	Commercial-Heavy and Highway Zone
I-G	Industrial-General Zone
S	Slope Zone

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3. Editor's Note: Said map is included at the end of this chapter.

- B. Boundaries of zones. Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - (5) Boundaries indicated as following utility lines or rights-of-way shall be construed to be centered upon such lines or rights-of-way.
  - (6) Boundaries indicated as approximately following the center lines of streams or other bodies of water shall be construed to follow such center lines.
  - (7) Boundaries indicated as parallel to or extensions of features indicated in Subsection B(1) through (5) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
  - (8) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in circumstances not covered by Subsection B(1) through (7), the Zoning Board shall interpret the district boundaries.
- C. Lots split by boundaries of zones. If a lot is split by a zoning boundary, the minimum lot area and lot width for the zone in which the principal building, structure or use is to be located shall be applicable to the entire lot.

**§ 224-8. Use regulations.**

- A. Uses permitted. The uses permitted in the zones established by this chapter and the permitted extent of these uses are as shown in §§ 224-9 through 224-14. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use. However:
- (1) Additional general provisions are set forth in Article IV.
  - (2) Modifications to the use or dimensional requirements are set forth in Article IV.
  - (3) Standards for special exception uses are set forth in Article VI.
- B. All other uses. Any use not specifically allowed elsewhere in this chapter shall be allowed by special exception in the zone or zones where, and to the extent that, similar

uses are permitted or allowed by special exception, provided that said use meets the requirements for a special exception and does not constitute a public or private nuisance.

- C. Accessory uses and structures. Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this chapter and shall be further subject to the requirements for accessory uses and structures as set forth in § 224-15.
- D. Uses with nuisance effect. In no case is a use permitted which by reason of noise, dust, odor, appearance or other objectionable factor creates a nuisance, hazard or other substantial adverse effect upon the reasonable enjoyment of the surrounding property unless otherwise allowed by law, as in the case of Agricultural Security Areas.

#### **§ 224-9. Residential-Outlying Zone (R-O).**

- A. Purpose. The residential zones are primarily for people to live in. The Residential-Outlying Zone's purpose is to provide for the orderly expansion of residential development; to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities in areas surrounding the denser central zones of the borough to provide standards which will encourage the installation of public facilities and the preservation of open space; to provide for uses which support or do not adversely impact neighboring residences; to exclude any activities not compatible with residential development; to provide for the public convenience and avoid undue congestion on the roads; and to otherwise create conditions conducive to carrying out the purposes of this chapter.
- B. Uses by right. The following uses, limited to one principal use per lot, are permitted by right in the R-O Zone:
  - (1) Crops and gardening.
  - (2) Group home.
  - (3) House of worship.
  - (4) Single-family detached dwelling.
  - (5) Two-family detached dwelling. (No conversion from a single-family dwelling shall be permitted.)
- C. Uses by special exception. The following uses, limited to one principal use per lot, shall be permitted as special exceptions in the R-O Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this chapter.
  - (1) Bed-and-breakfast inn.
  - (2) Cemetery.
  - (3) Club room, club grounds, meeting hall.
  - (4) Convalescent home, nursing home or hospital.

- (5) Day-care center (child or adult) or nursery school.
  - (6) Day-care home (family or group).
  - (7) Domiciliary care home.
  - (8) Funeral home.
  - (9) Home occupation.
  - (10) Medical clinic.
  - (11) Mobile home park.
  - (12) Multifamily dwelling. (No conversion from a single-family dwelling shall be permitted.)
  - (13) Nonconformity, expansion of.
  - (14) Outdoor commercial establishment.
  - (15) Park or other recreation area of a nonprofit nature.
  - (16) Public buildings and facilities.
  - (17) Public utility building or service.
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- (1) Minimum lot area: 10,000 square feet. (See Subsection I below.)
  - (2) Minimum lot width: 80 feet. (See Subsection I below.)
- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- (1) Front setback: 25 feet.
  - (2) Each side setback: 10 feet.
  - (3) Rear setback: 30 feet.
  - (4) Accessory buildings. Rear setback: 10 feet; side setbacks: a combined total of eight feet, but no less than three feet for each.
- F. Building height. The height limit for a principal building or structure shall be 2 1/2 stories, but not over 30 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- G. Open area. Not less than 55% of the lot area shall be devoted to open area, as defined in this chapter.
- H. Lot coverage. Not more than 45% of the lot area may be covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures.

- I. Sewer and water. Each principal use shall be provided with public water service. If public sewer service is available to the parcel for which development is proposed and adequate capacity exists to serve the proposed use, public sewer service must be utilized. In any circumstance where public sewer service is not available to a principal use allowed in the R-O Zone, on-lot sewage disposal is permitted only when approved by the Pennsylvania Department of Environmental Protection and when the following minimum lot area and minimum lot width are provided:

Type of Use	Public Water Service	No Public Sewer Service
	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
Single-family detached and two-family detached dwellings	30,000 per dwelling unit	100 per dwelling unit
All other uses	30,000	100

**§ 224-10. Residential-Town Zone (R-T).**

- A. Purpose. The purpose of the Residential-Town Zone is to improve and encourage the orderly development and preservation of a variety of housing types compatible with existing dwellings in established, medium-density residential areas of the community by providing public facilities necessary for the health, welfare and general convenience of the population; to prevent overcrowding of the land through application of maximum housing densities; to preserve public open space; and to exclude any activities not compatible with the residential environment.
- B. Uses by right. The following uses, limited to one principal use per lot, are permitted by right in the R-T Zone:
  - (1) Crops and gardening.
  - (2) Group home.
  - (3) House of worship.
  - (4) Single-family detached dwelling.
  - (5) Single-family semidetached dwelling.
  - (6) Two-family detached dwelling. (No conversion from a single-family dwelling shall be permitted.)
- C. Uses by special exception. The following uses, limited to one principal use per lot, shall be permitted as special exceptions in the R-T Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of the ordinance.

- (1) Bed-and-breakfast inn.
  - (2) Club room, club grounds, meeting hall.
  - (3) Convalescent home, nursing home or hospital.
  - (4) Day-care center (child or adult) or nursery school.
  - (5) Day-care home (family or group).
  - (6) Domiciliary care home.
  - (7) Funeral home.
  - (8) Home occupation.
  - (9) Medical clinic.
  - (10) Multifamily dwelling. (No conversion from a single-family dwelling shall be permitted.)
  - (11) Nonconformity, expansion of.
  - (12) Park or other recreation of a nonprofit nature.
  - (13) Personal care boarding home.
  - (14) Public buildings and facilities.
  - (15) Public or semipublic parking lot or building.
  - (16) Public utility building or service structure.
  - (17) Rooming house.
  - (18) Single-family attached dwelling.
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- (1) Minimum lot area: 6,000 square feet.
  - (2) Minimum lot width: 60 feet.
- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- (1) Front setback: 15 feet.
  - (2) Each side setback. Single-family detached dwellings: five feet; all other uses: 10 feet. Semidetached and attached dwellings shall be considered as one building for this purpose.
  - (3) Rear setback: 20 feet.

- (4) Accessory buildings. Rear setbacks: 10 feet; side setback: a combined total of eight feet, but no less than three feet for each.
- F. Building height. The height limit for a principal building or structure shall be 2 1/2 stories, but not over 30 feet, except that the height limit may be extended to 3 1/2 stories but not over 40 feet if each yard is increased one foot in width for each additional foot of height over 30 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- G. Open area. Not less than 40% of the lot area shall be devoted to open area, as defined in this chapter, except that lots with a width of 40 feet or less may decrease the required open area to not less than 30%.
- H. Lot coverage. Not more than 60% of the lot area may be covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures, except as provided in Subsection G above.
- I. Sewer and water. Each use shall be connected to public water and public sewer service. **[Amended 12-8-2003 by Ord. No. 508]**

**§ 224-11. Commercial-Shopping Zone (C-S).**

- A. Purpose. The purpose of this zone is to provide reasonable standards for the development of commercial uses which serve the day-to-day shopping needs of the residents as well as those establishments which cater to the motoring public. The standards of this district are designed to encourage neighborhood shopping areas and provide for a community shopping center where needed.
- B. Uses by right. The following uses, limited to one principal use per lot, except as otherwise provided in Subsection J below, are permitted by right in the C-S Zone:
- (1) Crops and gardening.
  - (2) Day-care center (child or adult) or nursery school.
  - (3) Financial institution, e.g., bank, savings and loan.
  - (4) Funeral home.
  - (5) House of worship.
  - (6) Laundry or laundromat (self-service).
  - (7) Personal service business.
  - (8) Professional or business office.
  - (9) Restaurant.
  - (10) Retail store or shop.

- (11) Small processing establishment, i.e., with 2,000 square feet or less of gross ground floor area (e.g., an optician.)
- C. Uses by special exception. The following uses, limited to one principal per lot, except as otherwise provided in Subsection J below, shall be permitted as special exceptions in the C-S Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this chapter.
- (1) Apartment in conjunction with a commercial establishment.
  - (2) Club room, club grounds or meeting hall.
  - (3) Commercial parking lot or building.
  - (4) Commercial school.
  - (5) Convalescent home, nursing home or hospital.
  - (6) Group quarters.
  - (7) Halfway house.
  - (8) Home occupation.
  - (9) Indoor commercial recreation establishment, e.g., billiard rooms, bowling alley or video arcade.
  - (10) Medical clinic.
  - (11) Motel or hotel.
  - (12) Nonconformity, expansion of.
  - (13) Outdoor commercial recreational establishment.
  - (14) Personal care boarding home.
  - (15) Public building and facilities.
  - (16) Public or semipublic parking lot or building.
  - (17) Public utility building or service structure.
  - (18) Rooming house.
  - (19) Service station or convenience store dispensing fuel.
  - (20) Shopping center, shopping mall or shopping plaza.
  - (21) Tavern.
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:

- (1) Minimum lot area: 8,000 square feet.
  - (2) Minimum lot width: 80 feet.
- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- (1) Front setback: 15 feet.
  - (2) Each side setback: 10 feet.
  - (3) Rear setback: 20 feet.
  - (4) Accessory buildings. Rear setback: 10 feet; side setbacks: a combined total of eight feet, but no less than three feet for each.
- F. Building height. The height limit for a principal building or structure shall be 2 1/2 stories, but not more than 30 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- G. Open area. Not less than 10% of the lot area shall be devoted to open area, as defined in this chapter.
- H. Lot coverage. Not more than 90% of the lot area maybe covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures.
- I. Sewer and water. Each use shall be connected to public water and public sewer service. **[Amended 12-8-2003 by Ord. No. 508]**
- J. Two uses which are permitted in the C-S Zone are permitted per lot, provided that the regulations established in this chapter for each individual use are satisfied; for example, parking and special exceptions provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established. **[Amended 12-8-2003 by Ord. No. 508]**

#### **§ 224-12. Commercial-Heavy and Highway Zone (C-H)**

- A. Purpose. The purpose of this zone is to provide an area for heavy, intense commercial uses. This district and its standards are designed to locate more intense commercial development along major thoroughfares, to minimize traffic congestion and to provide buffer yards, screen plantings and other such protection where necessary to separate residential from commercial areas.
- B. Uses by right. The following uses, limited to one principal use per lot, except as in Subsection J below, are permitted by right in the C-H Zone:
- (1) Crops and gardening.
  - (2) Laundry or laundromat (self-service).
  - (3) Large processing establishment, i.e., with over 2,000 square feet of gross ground floor area (e.g., industrial laundry, large appliance or equipment repair shop.)

- (4) Motel or hotel.
  - (5) Professional or business office.
  - (6) Restaurant.
- C. Uses by special exception. The following uses, limited to one principal use per lot, except as otherwise provided in Subsection J below, shall be permitted as special exceptions in the C-H Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide the requests for such uses according to criteria established in Article V of this chapter.
- (1) Adult-oriented facility.
  - (2) Animal hospital or kennel.
  - (3) Automobile, recreational vehicle and/or trailer sales, automobile body shop and/or automobile garage.
  - (4) Automobile washing facility.
  - (5) Building material sales.
  - (6) Club room, club grounds or meeting hall.
  - (7) Commercial parking lot or building.
  - (8) Drive-in business.
  - (9) Home occupation.
  - (10) Indoor commercial recreation establishment, e.g, billiard room, bowling alley or video arcade.
  - (11) Mobile home sales lot.
  - (12) Nonconformity, expansion of.
  - (13) Public or semipublic parking lot or building.
  - (14) Public utility building or service structure.
  - (15) Service station or convenience store dispensing fuel.
  - (16) Shopping center, shopping mall or shopping plaza.
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- (1) Minimum lot area: 12,000 square feet.
  - (2) Minimum lot width: 100 feet.
- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:

- (1) Front setback: 25 feet.
  - (2) Each side setback: 20 feet.
  - (3) Rear setback: 10 feet.
- F. Building height. The height limit for a principal building or structure shall be 2 1/2 stories, but not over 30 feet, except that the height limit may be extended to 3 1/2 stories but not over 40 feet if each yard is increased in width one foot for each additional foot of height over 30 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- G. Open area. Not less than 20% of the lot area shall be devoted to open area, as defined in this chapter.
- H. Lot coverage. Not more than 80% of the lot area may be covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures.
- I. Sewer and water. Each use shall be connected to public water and public sewer service. **[Amended 12-8-2003 by Ord. No. 508]**
- J. Two uses which are permitted in the C-H Zone are permitted per lot, provided that the regulations established in this chapter for each individual use are satisfied; for example, parking and special exceptions provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established. **[Amended 12-8-2003 by Ord. No. 508]**

### **§ 224-13. Industrial-General Zone (I-G).**

- A. Purpose. The purpose of the industrial zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the borough and otherwise further the purposes of this chapter. The specific intent of this zone is to establish reasonable standards for buildings and other structures, for lot areas and dimensions of yards and for the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration and fire and safety hazards and, furthermore, to prohibit any use which would substantially interfere with the continuation development or expansion of industrial uses in the district. Further, through these regulations, such uses should be located and buffered so as to minimize the negative effects on surrounding residential and commercial uses.
- B. Uses by right. The following uses, limited to one principal use per lot, except as in Subsection J below, are permitted by right in the I-G Zone:
- (1) Automobile washing facility.
  - (2) Business or professional office.
  - (3) Contractor's office or shop.

- (4) Crops and gardening.
  - (5) Greenhouse or horticultural nursery.
  - (6) Industrial activities.
  - (7) Large enclosed processing establishment, i.e., with over 2,000 square feet of gross ground floor area (e.g., industrial laundry, large appliance or equipment repair shop.)
  - (8) Research laboratory.
- C. Uses by special exception. The following uses, limited to one principal use per lot, except as otherwise provided in Subsection J below, shall be permitted as special exceptions in the I-G Zone when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Article VI of this chapter.
- (1) Animal hospital or kennel.
  - (2) Automobile dismantling plant or junkyard.
  - (3) Commercial parking lot or building.
  - (4) Heavy storage sales and/or service, e.g., warehouse or building material yard.
  - (5) Industrial park.
  - (6) Mini-storage facility.
  - (7) Nonconformity, expansion of.
  - (8) Public or semipublic parking lot or building.
  - (9) Public utility building or service structure.
  - (10) Solid waste processing facility.
  - (11) Truck or motor freight terminal.
  - (12) Auto body shop, provided that, in addition to any and all other criteria to be established for such use, the terms and conditions of § 224-48 for and about auto body shops must be fulfilled, and the owner or applicant must show to the Zoning Hearing Board that all required permits, licenses and approvals under or for all applicable state and federal pollution laws have been obtained for such use. **[Added 3-8-1999 by Ord. No. 441]**
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- (1) Minimum lot area: 15,000 square feet.
  - (2) Minimum lot width: 100 feet.

- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- (1) Front setback: 30 feet.
  - (2) Each side setback: 20 feet.
  - (3) Rear setback: 30 feet.
- F. Building height. The height limit for a principal building or structure shall be 3 stories, but not more than 35 feet. The height limit for an accessory building or structure shall be two stories, but not over 25 feet.
- G. Open area. Not less than 10% of the lot area shall be devoted to open area, as defined in this chapter.
- H. Lot coverage. Not more than 90% of the lot area may be covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures.
- I. Sewer and water. Each use shall be connected to public water and public sewer service. **[Amended 12-8-2003 by Ord. No. 508]**
- J. Two uses which are permitted in the I-G Zone are permitted per lot, provided that the regulations established in this chapter for each individual use are satisfied; for example, parking and special exceptions provisions. The principal building itself, however, shall be considered as a unit for purposes of lot area, lot width and setback requirements; such provisions shall not be cumulative for the individual uses established. **[Amended 12-8-2003 by Ord. No. 508]**

#### § 224-14. Slope Zone (S).

- A. Purpose. The purpose of this zone is to designate those areas where, because of natural geographic factors, it is desirable to conserve open spaces and streams or drainage courses. The land in this zone is predominantly steeply sloping, and any development permitted in this area should take natural features into this account.
- B. Uses by right. The following uses, limited to one principal use per lot, are permitted by right in the S Zone:
- (1) Agriculture.
  - (2) Crops and gardening.
  - (3) Farm.
  - (4) Group home.
  - (5) House of worship.
  - (6) Livestock.
  - (7) Park or other recreation area of a nonprofit nature.

- (8) Public buildings and facilities.
  - (9) Single-family detached dwelling.
  - (10) Two-family detached dwelling. (No conversion from a single-family dwelling shall be permitted.)
- C. Uses by special exception. The following uses, limited to one principal use per lot, shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to criteria established in Articles V and VI of this chapter.
- (1) Animal hospital or kennel.
  - (2) Cemetery.
  - (3) Greenhouse or horticultural nursery.
  - (4) Nonconformity, expansion of.
  - (5) Outdoor commercial recreation establishment.
  - (6) Park or other recreation area of a nonprofit nature.
  - (7) Public utility building or service structure.
- D. Lot area and width. Lot area and lot width not less than the following dimensions shall be provided for each principal use hereafter established in this zone:
- (1) Minimum lot area: one acre.
  - (2) Minimum lot width: 150 feet.
- E. Setbacks. Each lot shall provide front, side and rear setbacks not less than the following:
- (1) Front setback: 50 feet.
  - (2) Each side setback: 50 feet.
  - (3) Rear setback: 50 feet.
- F. Building height. The height limit for all buildings and structures shall be two stories but not more than 25 feet, except in the case of farm buildings and structures, in which case there is no height limitation.
- G. Open area. Not less than 65% of the lot area shall be devoted to open area, as defined in this chapter.
- H. Lot coverage. Not more than 35% of the lot area may be covered with an impervious surface, e.g., driveways, parking areas, walkways, buildings and structures.

- I. Sewer and water. Each principal use shall be provided with public sewer and public water service if such services are available to the parcel for which development is proposed and adequate capacity exists to serve the proposed use. In any circumstance where public sewer and/or water service is not available to a principal use in the Slope Zone, on-lot systems approved by the Department of Environmental Protection shall be utilized.

**ARTICLE IV**  
**General Provisions**

**§ 224-15. Accessory uses and structures.**

- A. Attached structures. A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- B. Nonattached structures. An accessory structure, including utility sheds, standing apart from a principal structure, is permitted between the rear wall of the principal structure and the rear property line but must be at least 10 feet from the principal structure. No apartment(s) or living quarters may be located in an accessory structure. For all other requirements, a nonattached structure is considered the same as a principal building.
- C. Fences and walls. No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this chapter) shall be erected to a height of more than three feet in a front yard area and more than six feet in any other yard area. In an I-G Zone, a fence may be extended to eight feet in height in any yard area, but no higher. The above fencing height restrictions apply universally, except as modified in Article VI of this chapter.
- (1) Fences may be located up to but shall not be located on the lot line.
  - (2) No fencing may be erected which inhibits sight distance at a street intersection.
  - (3) In the case of a fence or wall erected adjacent to a driveway in any zone, the maximum height of such fence or wall or portion thereof shall be such that adequate sight distance between the driveway and the street is provided.
- D. Satellite dish antennas. Television receiver dishes and similar apparatus are subject to the following constraints:
- (1) Such devices shall not be placed in any required setback area.
  - (2) Such devices must be located to the rear of the dwelling unit on any residential lot.
  - (3) No dish antenna on a residential lot shall exceed an overall height of 15 feet above the ground or an overall diameter of 12 feet.
  - (4) No more than one dish antenna is permitted per lot.
  - (5) Such devices must be appropriately screened or fenced so as not to be an eyesore to neighboring properties.

**§ 224-16. Outdoor swimming pools.**

- A. Every outdoor swimming pool shall conform to all applicable requirements of state law.
- B. An outdoor swimming pool is permitted only in a side or rear yard area. The outermost protruding part of any outdoor swimming pool structure must be at least three feet from the side lot lines and 10 feet from the rear lot line. No other setback regulation or provision shall apply to an outdoor swimming pool. This setback shall not apply to any deck or walkway surrounding an outdoor swimming pool. [Amended 12-8-2003 by Ord. No. 508]
- C. Every outdoor swimming pool, spa or hot tub, if not covered by a rigid, secure cover, which eliminates potential access by children and unauthorized persons, must be completely surrounded by a fence or wall that has a height of not less than four feet above the ground. The fence or wall shall be constructed so as not to have openings, holes or caps larger than two inches in any dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- D. An outdoor aboveground pool which has a water-containing wall of a minimum of four feet in height which is to serve in lieu of the fencing requirement in Subsection C above shall have access by a removable or retractable ladder, which must be removed or retracted when not in use. In the event that an outdoor swimming pool has a part or all of its water-containing wall or barrier above the level of the surrounding ground and does not have a retractable or removable ladder, i.e., is accessible at ground level at a height less than four feet or has a fixed ladder or steps, said wall or barrier shall not be construed to satisfy fencing requirements and a separate fence meeting all of the requirements of Subsection C above must be provided. In such cases the fence may be affixed to or upon the water-containing wall of a swimming pool or may be entirely separate from it so long as all other requirements of this section are met.
- E. Water shall not be discharged from any swimming pool onto any adjoining property.

**§ 224-17. Unenclosed storage.**

- A. Vehicle storage.
  - (1) Except as provided in § 224-49 of this chapter, in all zones, dismantled or partially dismantled or abandoned automobiles, tractors, recreational vehicles, trailers and trucks must be parked or stored within an enclosed building.
  - (2) In a residential zone, any vehicle which exceeds eight feet in height and/or exceeds 21 feet in length, when not placed within an enclosed building, shall be placed between the front wall of the principal building and the rear setback line. Such vehicles may not be placed within a side setback area.
- B. Outdoor stockpiling. In a residential zone, tire stockpiles, metal pipes, automobile parts and similar objects and materials must be stored in a garage or an enclosed storage structure. In a commercial zone, such items must be stored in a garage or enclosed

storage structure or be completely shielded by landscaping, walls or fencing so as to screen the object(s) in all seasons of the year from the street or adjoining properties. Dumpsters and other commercial trash receptacles must be similarly screened. All such storage must be accessory to an existing principal building except as provided in § 224-49 of this chapter.

- C. Trash or junk. Except as provided in § 224-49 of this chapter or in other borough ordinances, the accumulation of trash or junk out of doors for a period in excess of 15 days is prohibited in all zones.
- D. Front yard. In all zones, no outdoor stockpiling of any material or outdoor storage of trash is permitted between the front wall of the principal building and the street line.

**§ 224-18. Setback modifications.**

- A. Front setbacks of buildings on built-up streets. Where at least two buildings are fronting on the same side of a street as the lot in question; within the same block as the lot in question; set back a lesser distance than required; and not more than 100 feet from the lot in question, the average of the lesser setbacks shall become the required minimum front setback for the lot.
- B. Sight distance.
  - (1) Proper sight lines must be maintained at all street intersections. On a corner lot, no fence, wall or other obstruction is permitted within a twenty-five-foot corner triangle except as follows:
    - (a) Obstructions or plantings less than three feet in height as measured from the grade of the roadway.
    - (b) If not obstructing the view of traffic, post columns and trees.
  - (2) The corner triangle is the area within a triangle created by the following points: the point of intersection of the street right-of-way lines and the two points along the right-of-way lines at the given distance from the intersection.
- C. Setback on corner lots, double frontage, reverse frontage and triple frontage lots. In the case of corner, double frontage and reverse frontage lots, two front setbacks and two side setbacks shall be provided. In the case of a triple frontage lot, a front setback shall be provided from each street and the remaining setback shall be a side setback.
- D. Accessory or appurtenant structures and architectural features. The setback regulations do not apply to the following, provided that they are not located within the corner sight triangle as noted in Subsection B above and do not otherwise create a sight distance hazard:
  - (1) Student shelters at school bus stops; telephone booths; minor utility structures.
  - (2) Cornices, eaves, chimneys, steps, canopies and similar extensions, including unenclosed and uncovered porches, decks and patios.

- (3) Open fire escapes.
- (4) Articles of ornamentation or decoration.
- (5) Retaining walls.

**§ 224-19. Height modifications.**

The height regulations do not apply to the following projections and structures, provided that the height of any such projection or structure above its base or the average grade level, if self-supporting, shall not be greater than the shortest distance measured along a horizontal plane from such base to any lot line.

- A. Structures such as chimneys, water towers, standpipes, flagpoles, television antennas, radio towers or cranes and other support structures and/or devices.
- B. Structures on buildings such as clock towers, cupolas, water tanks and other mechanical appurtenances if such structures, at any level, do not cover more than 25% of the roof on which they are located.
- C. Parapet walls or cornices solely for ornamental purposes if not in excess of four feet in height.
- D. Farm buildings and structures.

**§ 224-20. Minimum habitable floor area.**

All dwelling units must conform to the minimum habitable floor area as follows; provided, however, that each unit shall provide at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of habitable floor space for each additional occupant.

- A. For each single-family detached dwelling or two-family dwelling: 800 square feet per dwelling unit.
- B. For each semidetached, attached or multifamily dwelling: 600 square feet per dwelling unit.

**§ 224-21. Signs.**

- A. Signs permitted and extent of use. For a lot 100 feet in width or less, one outdoor sign is permitted on each street frontage for each establishment, occupancy or purpose as below. For a lot over 100 feet in width, one outdoor sign is permitted on each street frontage for each establishment, occupancy or purpose as below for every 100 feet of street length or major fraction of this length. However:
  - (1) For business signs, any number of signs are permitted as long as their total area does not exceed the maximum specified in Subsection A(7) of this section.
  - (2) An advertising sign and business sign must be at least 60 feet apart.

- (3) No sign exceeding 30 square feet in area may be located within 75 feet of a residential zone.
- (4) The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments. In the case of open signs made up of letters, figures and designs, the space between such letters, figures and designs shall be included.
- (5) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal size.
- (6) Signs must be located so that they do not interfere with or obstruct vision in any clear sight triangle as defined in § 224-18 of this chapter or the Dallastown Borough Subdivision Regulations.<sup>4</sup>
- (7) Type, location and size of sign.

<b>Type of Sign</b>	<b>Where Permitted</b>	<b>Maximum Size (square feet)</b>
Traffic	Any zone	--
Home occupation	Where use is permitted	2
Trespassing	Any zone	2
Utility	Any zone	2
For sale, for rent, sold and rented	Any zone	6
Work sign of builders, painters and other artisans performing work on the premises	Any zone	6
Directional	Any zone but R-T and R-O	6
Identification and information of churches, schools and other nonprofit institutions	Any zone	20
Temporary sign	Any zone	12
Apartment bulletin board	Where use is permitted	10

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4. Editor's Note: See Ch. 183, Subdivision and Land Development.

<b>Type of Sign</b>	<b>Where Permitted</b>	<b>Maximum Size (square feet)</b>
Sale of agricultural and horticultural products	Any zone but R-T and R-O	20
Business, except for agricultural and horticultural products	Any zone but R-T R-O and S	C-S Zone: 60; C-H, I-G Zones: 160
Advertising	C-H, I-G Zones	300
Industrial park, subdivision, shopping center, tourist	Where use is permitted	160
Nameplates	Any zone	2

- B. Freestanding signs. No freestanding sign may be more than 25 feet in height above the street level nor, except for a sign less than six feet in height, be closer than 25 feet to a street right-of-way line. Double-facing signs are permitted. A freestanding sign may be illuminated only by backlighting or by direct lighting if the lighting is so screened that it:
- (1) Is not directed or reflected toward any adjacent residence within 100 feet; and
  - (2) Does not cast any glare upon any adjacent street.
- C. Buntings and pennants. Buntings and pennants are permitted only to announce the opening of a new business or industry and must be removed after seven days.
- D. Projection of signs. No sign shall project
- (1) Over a public sidewalk area within 4 1/2 feet of the curb;
  - (2) Over a public street unless specifically authorized by other borough or state regulations; or
  - (3) Above the roof of a building.
- E. Illumination of signs.
- (1) Flashing, rotating and intermittent lights are permitted only in the I-G Zone.
  - (2) R-T, R-O and C-S Zones. All signs permitted in these zones may be illuminated only by indirect lighting.
  - (3) A sign may be illuminated only if the lighting is screened so the light from the sign is not directed toward any adjacent property and does not obstruct the vision of motorists.
  - (4) Near highway traffic lights. Signs in the colors red, green or amber that are used in direct illumination or in high reflection by the use of special preparations such as fluorescent paint or glass may not be located within a radius of 100 feet of a highway traffic light or similar safety device.

- F. Construction, maintenance and permits. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- G. Termination of enterprise. Upon termination of a commercial, industrial or other use, all signs pertaining to the enterprise must be removed.
- H. Temporary signs.
- (1) A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.
  - (2) A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding 60 days.
- I. Signs within a building. None of the subsections above shall be construed to include signs intended for viewing principally from within a building or signs temporarily attached to the inside face of a window announcing a sale or similar features. Such signs shall be permitted in addition to any of the specific signs noted in this section.
- J. Portable signs. Portable signs shall be permitted in the C-H and C-S Zones subject to the following requirements:
- (1) A sign permit must be obtained from the Borough Zoning Officer.
  - (2) The sign shall be illuminated only by indirect lighting when located in the C-S Zone.
  - (3) The sign shall not be located on the lot for more than 30 days within a ninety-day period.
  - (4) Only one portable sign shall be permitted per lot.
  - (5) The maximum size permitted shall be 32 square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
  - (6) The placement of such signs shall not interfere with traffic or sight distance at street intersections or access to a public right-of-way.
- K. Sidewalk signs. Sidewalk signs shall be permitted in the commercial (C-S and C-H) and the industrial (I-G) zones, provided that the following provisions are satisfied:
- (1) The sign must be associated with a commercial or industrial establishment on the premises where such sign is located.
  - (2) Only one sidewalk sign is permitted per street frontage.
  - (3) The maximum size permitted shall be six square feet; such area shall not be included in the computation of maximum surface area for any other type of permitted sign.
  - (4) The sign shall be placed in such a manner so as not to extend more than three feet from the building face and be not more than four feet in height. In any event, a

minimum four-and-one-half-foot pedestrian area must be maintained from the curb to the sign so as not to obstruct pedestrian traffic.

- (5) The signs shall be temporary in nature and only displayed during business hours.
- L. Parallel signs. Parallel signs shall be included in the measurement of the total sign area permitted. Advertising painted upon or displayed directly upon a building or structure which promotes the use on which such advertising is located shall be considered a part of the permitted sign area for the use occupying that lot. Otherwise, such advertising shall be regarded as an advertising sign and the regulations pertaining thereto shall apply.

**§ 224-22. Parking.**

- A. Size of parking space. Each parking space must have an area of not less than 200 square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it. Where five or more parking spaces are required, the total parking area including passageways and driveways must average 300 square feet per required parking space.
- B. Spaces required.
  - (1) Off-street parking spaces must be provided for each building erected, converted or enlarged in accordance with the following schedule:

<b>Type of Use</b>	<b>Minimum of One Parking Space for Each</b>
Residential dwelling	1/2 dwelling unit (i.e., 2 spaces per dwelling unit)
Rooming house	Bedroom
Hotel, motel	Guest sleeping room
Office building area	300 square feet of gross floor
Shopping center, shopping mall, area shopping plaza	180 square feet of gross floor
Retail store or shop	200 square feet of gross floor area
Restaurant	4 seats, plus 1 for each employee in the largest shift
Billiard room	1/2 table (i.e., 2 spaces per table)
Bowling alley	1/2 lane (i.e., 2 spaces per lane)
Other recreational establishments	100 square feet of gross floor area
Automobile repair, service station	400 square feet of gross floor area and ground area devoted to repair and service facilities
Professional office of physician, dentist	150 square feet of gross floor area
Other commercial buildings	400 square feet of gross floor area

<b>Type of Use</b>	<b>Minimum of One Parking Space for Each</b>
Hospital	1/2 bed (i.e., 2 spaces per bed)
Convalescent home or nursing home	bed (i.e., 1 space per bed) plus, 1 space for each employee on the largest shift
Auditorium, church, theater and other such places of public assembly	200 square feet of gross floor area, but not less than 1 space per each 4 seats
Industrial and heavy commercial establishments	2 employees on major shift, but at least 1 space for each 5,000 square feet of gross floor area
Outdoor sales, vehicle sales	20% of sales area to be reserved for customer parking
Funeral home	100 square feet of gross floor area
Clubs, lodges and other area similar places	100 square feet of gross floor
Schools	Staff member, plus 1 space per classroom in an elementary or junior high school and 1 space per 5 students of projected building capacity in a senior high school or college

(2) In the case of an addition or enlargement of a building existing on the date of adoption of this chapter, parking spaces must be provided to the extent to which the required spaces of the altered or enlarged building exceed those applicable to the original building or use.

C. Location. The parking area must be on the same premises for all residential uses and on the same or nearby premises for all other uses. If on nearby premises:

(1) The nearest point of the parking lot shall be not further than the following distances to the nearest point of the property served: 200 feet in the case of a commercial use and 300 feet in the case of an industrial or any other nonresidential use.

(2) When parking spaces for a use are located off-site, as noted in Subsection C(1) above, parking spaces must be allocated as specified in Subsection 408 B above exclusively for the use that said spaces are intended to serve.

(3) Parking areas must be a minimum of three feet from all property lines.

D. Layout. Parking areas must be arranged so there will be no need for motorists to back over public rights-of-way, except in the case of single-family and two-family uses accessing local streets, i.e., streets other than those classified as collectors or arterials in the borough's Comprehensive Plan.

- E. Separation from streets and sidewalks. For multifamily and nonresidential uses where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs or equally effective devices must line the public right-of-way, sidewalk or walkway except at access points so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- F. Paving. A parking area for more than four vehicles must be paved with concrete or bituminous paving material.
- G. Drainage. All parking lots shall be drained so as to prevent damage to other properties or public streets. All parking lots shall be designed to prevent the collection of standing water on any portion of the parking lot surface. All parking lots must comply with the borough's stormwater management regulations<sup>5</sup> where applicable.
- H. Marking of parking spaces. Each parking space for a multifamily, commercial or industrial use in a parking area or lot shall be clearly marked by a permanent, durable, contrasting material.
- I. Lighting. Adequate lighting shall be provided if the parking lot is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

**§ 224-23. Loading.**

- A. Spaces required. Any building erected, converted or enlarged for any nonresidential use shall provide adequate off-street areas for loading and unloading of vehicles. Such areas shall be provided in addition to and independent of any parking area requirements. Off-street loading spaces must be provided in accordance with the following schedule:

<b>Type of Use</b>	<b>Number of Loading Spaces</b>
Commercial	1 for a gross floor area of 5,000 to 25,000 square feet and 1 additional for each 40,000 square feet of gross floor area in excess of the first 25,000 square feet
Office, financial institution, theater, auditorium, hotel, hospital or other institution, bowling alley or other indoor recreational establishment	1 for a gross floor area of 10,000 to 100,000 square feet and 1 additional for each 100,000 square feet in excess of the first 100,000 square feet
Industry or manufacturing	1 for a gross floor area of 2,000 to 25,000 square feet 1 and additional for each 20,000 square feet of gross floor area in excess of the first 25,000 square feet

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5. Editor's Note: See Ch. 173, Stormwater Management.

<b>Type of Use</b>	<b>Number of Loading Spaces</b>
Wholesale, storage or warehousing (excludes mini-storage facilities for which no loading spaces are required)	1 per establishment and 1 additional for each 40,000 square feet in excess of the first 10,000 square feet

B. Size. The following table lists required minimum loading space sizes:

Use	Length (feet)	Width (feet)	Height If Covered or Obstructed (feet)
Industrial, wholesale and storage uses	60	12	15
All other uses	40	12	15

- C. Surfacing. All loading areas must be surfaced with a bituminous or concrete paving material.
- D. Location. The loading area must be arranged so that there will be no need for vehicles to back over public rights-of-way or cause the stacking of vehicles upon a public street. Except in the I-G Zone, no loading area shall be located between the front wall of a principal building and the street line. Where possible, off-street loading facilities shall be located on the side of a building which does not face adjoining land in a residential zone.
- E. Drainage. All loading areas shall be drained so as to prevent damage to other properties or public streets. All loading spaces shall be designed to prevent the collection of standing water on any portion of the loading area surface.
- F. Lighting. Adequate lighting shall be provided if the loading area is to be used at night. Such lighting shall be arranged so as not to reflect or glare on adjoining properties or streets.

**§ 224-24. Driveways.**

- A. Width. Within 10 feet of the street right-of-way, driveways may not exceed 20 feet in width.
- B. Number. The number of driveways may not exceed two per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.
- C. Offsets. No part of a driveway may enter a public street:
  - (1) Within 40 feet of the street right-of-way line of any intersecting street.
  - (2) Within five feet of a fire hydrant.

- (3) Within 25 feet of another driveway on the same property.
  - (4) Within three feet of an adjoining property line.
- D. Sight distances. A driveway must be located in safe relationship to sight distance and barriers to vision.
  - E. Slope. The driveway may not exceed a slope of 12% within 25 feet of the street right-of-way line. However, at the point where a driveway crosses a sidewalk, the slope of the driveway shall not exceed 6%.
  - F. Paving. The portion of a driveway within a street right-of-way and for a distance of 25 feet beyond that right-of-way shall be paved with a concrete, bituminous paving material unless another suitable paving material is approved by the borough.
  - G. Cuts. Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed 50% in slope within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three feet within 10 feet of the roadway.
  - H. All lots must have a separate driveway located on the lot which that drive serves, i.e., one driveway may not serve more than one lot, except for preexisting landlocked lots of record.

#### § 224-25. Access drives.

- A. Width. Access drives shall require a twenty-four-foot right-of-way. The minimum pavement width for access drives shall be 24 feet (two twelve-foot traffic lanes).
- B. Number.
  - (1) The number of access drives may not exceed one per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
  - (2) Where access from an arterial or collector street may be necessary for several adjoining lots, the borough may require that such lots be served by one or more combined access drives in order to limit possible traffic hazards on such streets.
- C. Location, design. Access drives shall have the following characteristics:
  - (1) The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in the Borough Subdivision and Land Development Ordinance,<sup>6</sup> if applicable. However, at the point where an access drive crosses a sidewalk the slope of the access drive shall not exceed 6%.
  - (2) No part of an access drive shall enter a public street within three feet of a property line.

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6. Editor's Note: See Ch. 183, Subdivision and Land Development.

- (3) At its intersection with a street, no part of any access drive shall be nearer than 50 feet to the right-of-way line of any intersecting street.
- D. Paving. All access drives shall be paved with concrete or a bituminous paving material unless another suitable paving material is approved by the borough. The minimum specifications shall be an eight-inch-thick compacted, crushed aggregate base and three inches of bituminous, concrete or other approved paving material; however, if special conditions warrant, the borough may require more stringent provisions.

**§ 224-26. Screens and buffers.**

- A. Where an industrial or commercial use is proposed in the Commercial-Heavy and Highway or Industrial-General Zone and that use abuts a residential zone or use, except for street or alley frontage, a fence and/or screen planting acceptable to the borough is required to be erected to screen from view the industrial or commercial use.
- B. The space along a lot line in the Commercial-Heavy and Highway or Industrial-General Zone abutting a residential zone for 25 feet in depth may not be used for commercial or industrial operations. This area must be naturally landscaped and maintained; however, parking is permitted within the interior 10 feet of the twenty-five-foot buffer strip.
- C. Existing buildings in the I-G or C-H Zones shall not be prohibited from being occupied by any permitted use due to the lack of a sufficient buffer. However, screening and/or buffering shall be provided in such cases to the extent possible to protect neighboring properties and uses.

**§ 224-27. Drainage.**

- A. Adequate drainage required. No principal building may be erected, structurally altered or relocated on land:
- (1) Which is not adequately drained at all times, i.e., no building is permitted in areas where standing water is evidenced on a permanent or seasonal basis.
  - (2) Which is subject to periodic flooding.
- B. Building restricted adjacent to drainage channels and watercourses. No building may be erected, structurally altered or relocated:
- (1) Within 20 feet of the ordinary high water line of any surface water drainage channel or natural watercourse.
  - (2) So that its lowest floor is less than three feet above the high water line.
- C. Lot drainage. Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and to prevent the collection of stormwater in pools.
- D. Nearby existing facilities. Where adequate existing storm sewers are readily accessible, the developer must connect his stormwater facilities to these existing storm sewers.

- E. Open drainageways. When open drainageways are used for the disposal of stormwater, the Borough Engineer shall review the design of such open drainageways in relation to the following:
- (1) Safety. Steep banks and deep pools shall be avoided.
  - (2) Erosion. Adequate measures shall be taken, such as seeding, sodding, paving or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
  - (3) Stagnation. Design of open drainageways shall not create stagnant pools or swampy areas.
  - (4) Approval. Whenever the evidence available to the borough indicates that natural surface drainage is inadequate, the developer shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed by a registered engineer and be approved by the Borough Council upon the recommendation of the Borough Engineer.
- F. Drainage upon streets. In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated, and its driveways, must be at a grade in satisfactory relationship:
- (1) With the established street grade; or
  - (2) With the existing street grade where none is established. Satisfactory evidence to this effect must be presented to the Borough Engineer.
- G. Drainage upon adjoining properties; slopes.
- (1) In order to protect adjoining property owners and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would:
    - (a) Result in a slope of more than 30% within 20 feet of a property line (height divided by length equals percent of slope).
    - (b) Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.
  - (2) In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.
- H. Obstruction to drainage prohibited. The damming, filling or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Borough Council upon recommendation of the Borough Engineer and after submitting copies of permits required by state or federal agencies.

**§ 224-28. Illumination.**

Where a use involves exterior lighting, the lighting must be so located, shielded and/or designed so that no objectionable illumination or glare is cast upon adjoining properties or any adjacent public street.

**§ 224-29. Demolition.**

Demolition of any structure must be completed within 90 days of the issuance of a permit. Completion consists of tearing the structure down to grade, filling any resulting cavity to grade and removing all resulting debris from the lot. Wood asphalt shingles and similar building materials shall not be buried or used as fill at the demolition site but must be disposed of at an approved solid waste disposal facility certified to dispose of such materials. A structure may be partly demolished only if a usable structure or building remains and the demolition of the part is completed as required in the previous sentence. All evidence of the structure which was demolished must be removed from the exterior surfaces of the remaining structure or building. Proof of performance bond and liability insurance must be shown for work of \$1,000 or more.

**§ 224-30. Buildings and structures under construction.**

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

**§ 224-31. Division of built-on lots.**

No lot may be formed from part of a lot occupied by a building unless each newly created lot will meet all the applicable provisions of this chapter and the Borough Subdivision and Land Development Ordinance,<sup>7</sup> if applicable.

**§ 224-32. Lots of record.**

On a lot held in single and separate ownership on the effective date of this chapter, or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width for the zone in which it is located, a building may be erected, altered and used and the lot may be used for a conforming (permitted) use, provided that the setback requirements are not less than the minimum specified herein for the zone in which the lot is located.

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7. Editor's Note: See Ch. 183, Subdivision and Land Development.

**§ 224-33. Nonconformities.****A. Continuance.**

- (1) Except as otherwise provided in this section, the lawful use of land or buildings existing at the date of the adoption of this chapter may be continued, although such use of land or building does not conform to the use regulations specified by this chapter for the zone in which such land or building is located.
- (2) Any nonconforming lot or structure lawfully existing at the date of the adoption of this chapter may be continued.

**B. Expansion/alteration.**

- (1) Upon application for a special exception and in accordance with the provisions of §§ 224-43 and 224-75, the Zoning Hearing Board may approve the expansion of a use of land or building which is not in conformance with the provisions of this chapter.
- (2) Any alteration that will reduce the extent of an existing nonconformity shall not require special exception approval.

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

**D. Restoration.** If any nonconformity is destroyed in part or in whole by reason of windstorm, fire, explosion or other acts of God or a public enemy, the nonconformity may be rebuilt, restored or repaired to the extent of the nonconformity prior to destruction, provided that restoration is begun within one year following said destruction. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe.

**E. Abandonment.** A nonconforming use shall be deemed to be abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one year from the date of cessation or discontinuance. Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this chapter.

**F. Reversion.** No nonconformity shall, if once changed to conform to the regulations of this chapter, be changed back again to a nonconformity.

**G. Zone changes.** Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses or dimensional nonconformities existing therein or created thereby.

**H. Identification and registration.** Nonconforming uses and nonconforming structures may be identified and registered by the Zoning Officer.

**§ 224-34. Lot width modification.**

The minimum lot width for properties abutting the turnaround circle of a cul-de-sac street may be calculated precisely at the required front setback line rather than the street line, but in no case shall the lot width at the street line be less than 40 feet in any zone.

**§ 224-35. Garage and other sales.**

Garage, yard, attic, barn or similar types of sales shall be permitted in all districts by use certificate issued by the Zoning Officer, subject to the following conditions:

- A. The period of the sale shall not exceed four days during two consecutive weeks.
- B. The time of the sale shall begin not earlier than 8:00 a.m. and shall extend not later than 9:00 p.m., prevailing time, on each day thereof.
- C. Only goods and property of the applicant shall be sold.
- D. No household shall receive a permit for more than two sales per calendar year.

**§ 224-36. Status of subdivision or land development plan.**

From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in the Borough Subdivision and Land Development Ordinance,<sup>8</sup> if applicable, and while such application is pending approval or disapproval, no enactment or amendment of the Zoning Ordinance shall affect the decision on such applications adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provision of the Zoning Ordinance as it stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in the Zoning Ordinance. When a preliminary or final subdivision or land development plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent enactment or amendment in the Zoning Ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.

**§ 224-37. Home occupation.**

- A. Subject to the requirements below, the following home occupations and professions may be authorized in a dwelling unit in any zone upon issuance of a permit by the Borough Zoning Officer: physician, dentist, clergyman, lawyer, engineer, accountant, architect,

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8. Editor's Note: See Ch. 183, Subdivision and Land Development.

teacher, artist, licensed insurance or real estate agent, seamstress, barber, beautician and similar service occupations and professions.

B. Regulations for permitted home occupations and professions:

- (1) Employees. No person other than a resident of the dwelling unit may practice the occupation. No more than one person shall be employed to provide secretarial, clerical or other assistance.
- (2) Pupils. No more than two pupils may receive instruction at a time.
- (3) Coverage. Not more than 30% of the ground floor area of the dwelling unit may be devoted to a home occupation or profession.
- (4) Appearance. The character or external appearance of the dwelling unit must be that of a dwelling. No display of products may be shown so as to be visible from outside the dwelling. A nameplate not larger than six square feet in area is permitted and may be illuminated only by indirect lighting. **[Amended 12-8-2003 by Ord. No. 508]**
- (5) Parking. Garages shall not be considered parking area for home occupations. Besides the required parking for the dwelling unit, additional parking is required as follows:
  - (a) Two spaces for the home occupation and one space for the nonresident employee; plus
  - (b) Each space shall not have direct access to the street to avoid vehicles backing into the flow of traffic.
  - (c) Two additional spaces for a physician, dentist, barber or beauty shop.
- (6) Sales. There shall be no stock in trade stored nor commodities kept for sale which are not goods produced on the premises or used in connection with a permitted home occupation.

**§ 224-38. Sale of agricultural products.**

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

**§ 224-39. Display units and/or vending machines.**

No newspaper sales machines, vending machines or any type of product display unit may be placed on a public sidewalk or between the sidewalk and curb.

ARTICLE V  
**Zoning Hearing Board**

**§ 224-40. Powers and duties, general.**

A. Membership of Board.

- (1) The membership of the Board shall, upon the determination of the Borough Council, consist of either three or five residents of the borough by resolution of the Borough Council. The terms of office of a three-member Board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member Board shall be five years and shall be so fixed that the term of office of one member shall expire each year. If a three-member Board is changed to a five-member Board, the members of the existing three-member Board shall continue in office until their terms of office would expire under prior law. The Borough Council shall appoint two additional members to the Board with terms scheduled to expire in accordance with the provisions of this subsection. The Board shall promptly notify the Borough Council of any vacancies which should occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the borough.
- (2) The Borough Council may appoint by resolution at least one but no more than three residents of the borough to serve as alternate members of the Board. The term of office of an alternate member shall be 3 years. When seated pursuant to the provision of Subsection B, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the borough. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the Pennsylvania Municipalities Planning Code, Act 47,<sup>9</sup> unless designated as a voting alternate member pursuant to Subsection B.

B. Organization of Board.

- (1) The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in § 224-41.
- (2) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member

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9. Editor's Note: See 53 P.S § 10907.

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

- (3) The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the borough.
- C. Powers. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
- (1) Substantial challenges to the validity of any land use ordinance except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>10</sup>
  - (2) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the borough and a Zoning Hearing Board has not previously been established, the appeal raising procedural questions shall be taken directly to court.
  - (3) Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - (4) Applications for variances from the terms of the Zoning Ordinance, pursuant to § 224-42.
  - (5) Applications for special exceptions under the Zoning Ordinance, pursuant to § 224-43.
  - (6) Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the Pennsylvania Municipalities Planning Code, Act 247, as amended.<sup>11</sup>
- D. Board calendar. Each application or appeal filed in the proper form with the required data must be numbered serially and be placed upon the calendar of the Board by the Zoning Officer. Applications and appeals must be assigned for hearing in the order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. A hearing must be held within 60 days from the date the appeal or application is filed, unless the applicant has agreed, in writing, to an extension of time.

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10. Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2), respectively.

11. Editor's Note: See 53 P.S. § 10916.2.

**§ 224-41. Public hearings.****A. Notice; conduct of meeting.**

- (1) Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other person as the borough shall designate by ordinance and to any person who, at least 15 days prior to the scheduled hearing date, has made request for the same. The Borough Secretary, upon notification by the Secretary of the Zoning Hearing Board, shall give written notices by personal delivery or by regular mail to said persons at their last known address at least 14 days, but not more than 30 days, prior to the date of the hearing, stating the time and place of the hearing and the particular nature of the matter to be considered at the hearing. If mailed, the notice shall be deemed to be given on the date mailed. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- (2) The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensations of the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (3) The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be by the Board; however, the appellant or the applicant, as the case may be, in addition to the borough may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision of the hearing officer as final.
- (4) Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials except advice from their solicitor, unless the parties are afforded any opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

**B. Representation; statements.**

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

- (2) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
  - (3) Statements are to be made in the following order or as the Chairman may direct:
    - (a) Applicant or appellant.
    - (b) Zoning Officer and other officials.
    - (c) Any private citizen.
  - (4) The applicant or appellant must be given an opportunity for rebuttal.
- C. Witnesses. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- D. Decision procedure.
- (1) The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based on thereon, together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended,<sup>12</sup> or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there is no stipulation that his decision of findings is final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection or fails to hold the required hearing within 60 days from the date the appeal or application is filed with the borough, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days in the same manner as provided in Subsection A of this section. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
  - (2) A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the

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12. Editor's Note: See 53 P.S. § 10101 et seq.

day following its date. A copy of said decision shall also be delivered or mailed to the Borough Zoning Officer in the same manner as the applicant. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and statement of the place at which the full decision or findings may be examined.

- (3) Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or condition upon which it was granted or the conditions imposed by this chapter are adhered to.
- E. Records. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

#### § 224-42. Variances.

A. Filing of variance.

- (1) An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Borough Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board of the variance, whether such information is called for by the official form or not.
- (2) Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within six months from the date of the authorization of the variance.

B. Referral to Planning Commission. All applications for a variance shall be referred to the Planning Commission for a report.

C. Standards for variance. Where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of this chapter, provided that the following findings are made where relevant in a given case:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the

unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.

- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
  - (3) The unnecessary hardship has not been created by the appellant.
  - (4) The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
  - (5) The variance, if authorized, will represent the minimum variance that will provide relief and will represent the least modification possible of the regulation in existence.
- D. Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance.

**§ 224-43. Special exceptions.**

A. Filing of special exceptions.

- (1) For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information on the building permit application, the special exception application must show:
  - (a) Ground floor plans and elevations of proposed structures.
  - (b) Names and addresses of adjoining owners.
- (2) Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the application fails to obtain, where required to do so, a building permit or use certificate within six months of the date of the authorization of the special exception.

B. Temporary special exceptions.

- (1) A temporary special exception must be obtained from the Zoning Hearing Board for any nonconformity which is or will be seasonal or is or will be in the public interest. The Zoning Hearing Board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:
  - (a) Is beneficial to the public health or general welfare;
  - (b) Is necessary to promote the proper development of the community; or

- (c) Is seasonal in nature.
  - (2) The temporary special exception may be issued for a period not exceeding one year and may be renewed for an aggregate period not exceeding three years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the borough.
- C. Referral to Planning Commission. All applications for a special exception shall be referred to the Borough Planning Commission for a report.
- D. Conditions. The Zoning Hearing Board, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the Comprehensive Plan, including conditions which are more restrictive than those established for other uses in the same zone.
- E. Application of extent-of-use regulations. The extent-of-use regulations as set forth in this chapter must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.
- F. General standards.
- (1) A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that:
    - (a) The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the zone;
    - (b) Adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
    - (c) The use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
    - (d) The use will have proper location with respect to existing or future streets giving access to it and will not create traffic congestion or cause industrial or commercial traffic to use residential streets; and
    - (e) The specific standards set forth for each particular use for which a special exception may be granted have been met.
  - (2) The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.
- G. Special standards. In addition to the general standards for all special exceptions as contained in Subsection F, the specific standards for particular uses as listed in Article VI must be met prior to the granting of a special exception.

ARTICLE VI  
**Special Exception Uses**

**§ 224-44. Requirement of specific standards.**

In addition to the general standards for all special exceptions as contained in § 224-43, the specific standards for the particular uses allowed by special exception are set forth in this article. These standards must be met prior to the granting by the Zoning Hearing Board of a special exception for such uses in applicable zones.

**§ 224-45. Adult-oriented facility.**

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

- A. No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a building or structure.
- B. Any building or structure used and occupied as an adult-oriented facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or offered items of service or entertainment shall be visible from outside the structure.
- C. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- D. Each and every entrance to the structure shall be posted with a notice that the use is an adult facility; that persons under the age of 18 are not permitted to enter; and warning all others that they may be offended upon entry.
- E. Parking shall be established at the minimum ratio of one parking space for each 100 square feet of gross floor area and one parking space for each employee.

**§ 224-46. Animal hospital; kennel.**

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

- A. Setbacks. All animal runs, fenced enclosures and similar structures shall be located at least 25 feet from all property or street lines.
- B. All animals must be housed within a structure except while exercising.
- C. All outdoor running or activity areas must be enclosed to prevent the escape of the animals.
- D. Satisfactory evidence must be presented to indicate that adequate disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.

- E. Where the use directly abuts a residential use or zone, buffers and screens shall be provided as necessary to adequately protect the residential use(s). This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-47. Apartment in conjunction with a commercial establishment.**

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

- A. An apartment is permitted as an accessory use above the first floor of a commercial use.
- B. A separate entrance must be provided for the residential use.
- C. A minimum of 400 square feet of open area must be provided for each dwelling unit, i.e., that part of the lot not covered by buildings or structures must contain 400 square feet for each dwelling unit.
- D. All parking, habitable floor area and other applicable requirements of this chapter shall be satisfied for the apartment in addition to those required for the commercial use.

**§ 224-48. Automobile and/or recreational vehicle and/or trailer sales; automobile body shop and/or automobile garage.**

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

- A. For automobile, recreational vehicle or trailer sales, the lot must be improved with an automobile, recreational vehicle or trailer display building devoted exclusively to the display of automobiles, recreational vehicles or trailers.
- B. All service and/or repair activities shall be conducted within a wholly enclosed building.
- C. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded as part of the service repair operation shall be permitted.
- D. All exterior vehicle storage areas shall be screened from adjoining residentially zoned properties.
- E. The demolition or junking of automobiles, recreational vehicles or trailers is prohibited.
- F. All displayed automobiles, recreational vehicles and trailers must comply with setback requirements.

**§ 224-49. Automobile dismantling plant; junkyard.**

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

- A. Lot area shall be two acres minimum.
- B. Lot width shall be 200 feet minimum.
- C. Setbacks. Any area used for this purpose must be at least 50 feet from any property line and 100 feet from any street line.
- D. The area to be used must be completely enclosed with a twelve-foot-high fence so constructed as not to have any openings.
- E. The use must comply with all applicable state regulations.

**§ 224-50. Automobile washing facility.**

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

- A. All structures housing washing apparatus shall be set back at least 50 feet from any street right-of-way line and 20 feet from any side or rear lot line.
- B. Trash receptacles must be provided and routinely emptied to prevent the scattering of litter.
- C. Access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- D. Sufficient stacking lanes shall be provided to prevent vehicle backup on adjoining roads.

**§ 224-51. Bed-and-breakfast inn.**

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

- A. Bed-and-breakfast operations shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single-family dwelling.
- B. Guest stays shall be limited to a maximum of 14 days.
- C. Breakfast shall be the only meal served to overnight lodgers.
- D. A minimum of one off-street parking space per guest room shall be provided in addition to the required parking for the dwelling unit.
- E. One sign may be erected on the property. The maximum size shall be two square feet and it may be illuminated only by indirect lighting.
- F. The inn must comply with local regulations, including but not limited to fire, health and building codes.

**§ 224-52. Building materials sales.**

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

- A. All outdoor storage and display areas shall be screened from adjoining roads and properties.

**§ 224-53. Cemetery.**

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

- A. All burial plots or facilities shall be located at least 30 feet from all property or street lines.
- B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- C. Pet cemeteries must meet all of the above applicable requirements.

**§ 224-54. Club room; club grounds; meeting hall.**

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

- A. Buffers and screens at least six feet high shall be provided to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- B. The use shall not constitute a public or private nuisance.

**§ 224-55. Commercial parking lot or building.**

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

- A. Not more than 90% of the lot area shall be covered with impervious surfaces.
- B. No sale, rental, service or repair operation is permitted.
- C. The design of the parking facility must be approved by the Borough Engineer with regard to layout, access, drainage and dimensions of aisles.
- D. Except along access drives, a concrete curb six inches in height must be placed along all street right-of-way lines.
- E. To protect other vehicles and pedestrians in the immediate area of such a use, railing, fencing, posts and chains or similar protective barricades must be located on the perimeter of the parking areas except at access drives or exits.

- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- G. If intended for night use, adequate lighting must be provided. The lighting provided must be directed down and onto the parking area.

**§ 224-56. Commercial school.**

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

- A. Where the use abuts a residential use(s), buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-57. Convalescent home, nursing home or hospital.**

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

- A. Setbacks. All buildings shall be located at least 35 feet from all property and street lines.
- B. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- C. Buffers and screens at least six feet high shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- D. The facility must comply with all applicable building, health, safety and fire codes.

**§ 224-58. Day-care center (child or adult) or nursery school.**

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

- A. The facility shall obtain a certificate of licensure from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the borough prior to occupancy approval by Dallastown Borough.
- B. Outdoor play areas for children must be located in a side or rear yard and shall be sufficiently enclosed so as to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- C. At least one parking space for each employee plus one space for each 100 square feet of habitable floor area shall be provided.

- D. Where the use abuts a residential use(s), buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-59. Day-care home (family or group).**

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

- A. The facility shall obtain a certificate of registration from the Pennsylvania Department of Public Welfare and shall provide a copy of said certificate to the borough prior to occupancy approval by Dallastown Borough.
- B. Outdoor play areas for children must be located in a side yard or to the rear of the dwelling to provide for the health and safety of the children as determined by the Zoning Hearing Board.
- C. No employees, other than residents of the dwelling, shall be permitted.
- D. Day-care operations shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a residential dwelling.

**§ 224-60. Domiciliary care home.**

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

- A. The facility must be certified by the York County Area Agency on Aging prior to occupancy approval by Dallastown Borough.
- B. Domiciliary care operations shall be conducted as an accessory use to the primary use of the property as a single-family residence.
- C. The domiciliary care home must be owner occupied and only family members residing on the premises shall provide the care associated with a domiciliary care facility.
- D. No facilities for cooking or dining shall be provided in individual rooms or suites.
- E. The home must comply with all local regulations, including but not limited to fire, health and building codes.

**§ 224-61. Drive-in business.**

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

- A. Access shall be via an arterial or collector street as designated in the borough's thoroughfare classification plan.

- B. All buildings must be set back at least 15 feet from any property line and 40 feet from a street line.
- C. Buffers and screens at least six feet height shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open space.

**§ 224-62. Funeral home.**

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

- A. A buffer yard at least 20 feet in width must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking or loading.
- B. In addition, screening shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-63. Greenhouse; horticultural nursery.**

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

- A. The display and sale of items not grown on the premises shall be incidental to the nursery operation. The display and sales area for such items shall be limited to a total of 25% of the gross display and sales area of the property.
- B. The display, sale or repair of motorized nursery, lawn or garden equipment shall not be permitted.
- C. All structural improvements, i.e., parking and loading facilities, shall be screened from adjoining properties where the use abuts an R Zone.
- D. One freestanding or attached sign advertising the use may be permitted, the maximum size of which shall be 30 square feet. Such a sign must be at least 20 feet from all lot lines.

**§ 224-64. Group quarters.**

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

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

- C. Off-street parking shall be provided for each group quarters based upon one parking space for each occupant.
- D. All group quarters and group homes shall comply with all applicable building, health, safety and fire codes.
- E. Group quarters may be an accessory or principal use but must be directly affiliated with a parent religious, educational, charitable or philanthropic institution.

**§ 224-65. Halfway house.**

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

- A. A minimum of 250 square feet of habitable floor area must be provided for each occupant, including any staff.
- B. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require any kitchen and dining facilities if an affiliated institution provides them elsewhere.
- C. All halfway houses shall comply with all applicable building, health, safety and fire codes.
- D. Off-street parking shall be provided for all halfway houses based upon one parking space for each occupant.

**§ 224-66. Heavy storage, sales and/or service (includes wholesale establishment).**

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

- A. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- B. A buffer yard 50 feet wide must be located on the site in all instances where the site adjoins a residential use or zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- C. Any outdoor storage areas shall be enclosed by a wall or fence and screened from view of adjoining properties. No material may be stored so as to create a public health hazard or a public nuisance.
- D. No toxic or hazardous materials may be stored on any property, except in compliance with applicable state regulations.

**§ 224-67. Indoor commercial recreation establishment.**

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

- A. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- B. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties because of hours of operation, noise, light, litter, dust and pollution.
- C. Where the use abuts a residential use(s), buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-68. Industrial park.**

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

- A. Permitted uses. All uses permitted in the borough's Industrial-General Zone shall be permitted.
- B. Lot area. Minimum lot area must be provided equal to that total required if individual lots were to be subdivided and sold to tenants.
- C. Lot width shall be 200 feet minimum. Individual parcels within the park shall have a lot width of at least 100 feet.
- D. Individual parcels within the park shall have minimum setbacks as follows: front, 25 feet; each side, 20 feet; rear, 20 feet.
- E. Access. Primary access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- F. Buffers and screens. When adjacent to a residential zone, a buffer yard of not less than 100 feet shall be maintained on each side adjoining the residential zone. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for buildings or loading; however, parking is permitted within the interior 25 feet of the one-hundred-foot buffer. Screening shall be provided as necessary to protect neighboring properties in a residential zone (i.e., to screen from view the industrial uses.)
- G. All internal streets providing access to parcels within the park shall be constructed to borough specifications.

**§ 224-69. Medical clinic.**

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

- A. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- B. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
  - (1) All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
  - (2) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.
  - (3) In the R-O and R-T Zones signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected one sign not exceeding two square feet in area attached to the building, any illumination thereof being white, nonflashing and limited to an enclosed lamp design.

**§ 224-70. Mini-storage facility.**

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

- A. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 20 feet wide where access to storage units is only on one side of the aisle and at least 30 feet wide where access to storage units is on both sides of the aisle.
- B. If a manager/business office is established on the site, at least four parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted on the premises. Also no business activities, other than rental of storage units, shall be conducted on the premises.
- D. The storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals is prohibited.
- E. If a parking area is to be provided for the outdoor storage of recreational vehicles, such parking shall be in addition to any required parking.
- F. All outdoor lights shall be shielded to direct light onto the uses established and away from adjacent property.

- G. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- H. All loading areas must be paved or covered with crushed stone so as to render such areas dust-free and passable in all weather conditions.

**§ 224-71. Mobile home park.**

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

- A. The minimum lot area shall be three acres.
- B. Each mobile home lot (not including street right-of-way) must not be less than 10,000 square feet in area and not less than 80 feet wide at the street right-of-way line.
- C. Public water facilities and public sewer facilities approved by the Pennsylvania Department of Environmental Protection must be utilized.
- D. The setback of all buildings and structures within the mobile home park shall comply with the setback requirements for the zone in which located (i.e., where setbacks on street frontage and adjoining property lines are concerned, the setbacks for the zone apply to the mobile home park as a single lot). Setbacks for each individual mobile home lot within the mobile home park are listed in Subsection E of this section.
- E. Setback requirements for individual mobile home lots. Each mobile home lot within the mobile home park shall adhere to the following minimum setback requirements (however, in no case shall the distance between any two mobile homes be less than 30 feet in any direction).
  - (1) Front setback: 20 feet.
  - (2) Rear setback: 10 feet.
  - (3) Side setback: 15 feet.
- F. The Zoning Hearing Board may require suitable screen planting or may further restrict the proximity of mobile homes or other improvement to adjoining properties or may attach such other conditions or safeguards to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
- G. A mobile home park and extension thereof shall also comply with all applicable state and/or municipal regulations now in effect or hereafter enacted.

**§ 224-72. Mobile home sales lot.**

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

- A. Lot area shall be 20,000 square feet minimum.
- B. Lot width shall be 100 feet minimum.
- C. The lot shall be improved with a building containing any office, display room and appurtenant facilities.
- D. All displayed mobile homes must comply with setback requirements.

**§ 224-73. Motel; hotel.**

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

- A. Access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- B. All structures shall be setback at least 20 feet from the side property lines.
- C. Where the use abuts a residential use, buffers and screens shall be provided as necessary to adequately protect the residential neighboring property. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-74. Multifamily dwelling (no conversion from single-family dwelling).**

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

- A. Lot area shall be 20,000 square feet minimum.
- B. Lot width shall be 100 feet minimum.
- C. Height shall be three stories maximum, but no more than 35 feet.
- D. Density. A maximum of six dwelling units per acre shall be permitted in the R-O Zone. A maximum of eight dwelling units per acre shall be permitted in the R-T Zone.
- E. Paved area. Not more than 25% of the lot area shall be paved with an impervious surface, e.g., driveways, parking areas, walkways.
- F. Public sewer and public water approved by the Pennsylvania Department of Environmental Protection must be utilized.
- G. Distance between buildings. Where two or more multifamily dwellings are located on a single lot, the minimum distance between principal buildings shall be 40 feet.
- H. All parking areas shall be located at least 10 feet from any property line or street line.
- I. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- J. Setbacks. A minimum setback of 25 feet is required from all property lines.

**§ 224-75. Nonconformity, expansion of.**

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

- A. Expansion of the nonconformity shall be confined to the lot on which it is located on the effective date of this chapter or any amendment thereto creating the nonconformity.
- B. The total of all such expansion shall not exceed an additional 35% of the area of those buildings, structures or land area devoted to the nonconforming use as they existed on the date on which such buildings, structures or use first became nonconformities.
- C. Provision for access drives, off-street parking and off-street loading shall be consistent with standards required by this chapter.
- D. Provision for yards, building height and building area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- E. Appearance should be harmonious with surrounding properties. This feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control and maintenance in good condition of all improvements and open spaces.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- G. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

**§ 224-76. Outdoor commercial recreational establishment.**

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

- A. A minimum lot size of one acre is required.
- B. A minimum lot width of 150 feet is required.
- C. Consideration shall be given to potential traffic volumes and problems. If the proposed use will generate a medium or higher volume of traffic, i.e., in excess of 750 vehicle trips per day (as per the Pennsylvania Department of Transportation), access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- D. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties because of hours of operation, noise, light, litter, dust and pollution.
- E. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

**§ 224-77. Park or other recreation area of a nonprofit nature.**

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

- A. The Zoning Hearing Board shall review and decide upon the appropriateness of the design of parking, lighting and similar features of the proposed use to minimize adverse impacts on adjacent properties.
- B. Existing trees and vegetation shall be preserved, to the extent possible, to maintain the area in a natural state.

**§ 224-78. Personal care boarding home.**

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

- A. The applicant must secure a license from the Pennsylvania Department of Public Welfare and submit a copy of said license to the borough prior to occupancy approval by Dallastown Borough.
- B. No kitchen or dining facilities shall be permitted in individual rooms or suites.
- C. The facility must meet all applicable fire, health, safety and building codes.
- D. At least one parking space for each employee plus one parking space for each bedroom shall be provided.

**§ 224-79. Public buildings and facilities.**

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

- A. Outdoor storage of materials shall be prohibited within the residential zones. Outdoor storage in other zones shall be completely enclosed with a six-foot-high fence and screened from adjoining streets and properties.
- B. The storage of maintenance vehicles and related apparatus shall be within wholly enclosed buildings.
- C. The use may be exempted from lot coverage and open area requirements, provided that the Borough Engineer has approved the stormwater management plan and other design aspects of the site.
- D. All off-street parking shall be at least 10 feet from all property lines.

**§ 224-80. Public or semipublic parking lot or building.**

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

- A. Not more than 90% of the lot area shall be covered with impervious surfaces.
- B. No sale, rental, service or repair operation is permitted.
- C. The design of the parking facility must be approved by the Borough Engineer with regards to layout, access, drainage and dimensions of aisles.
- D. Except along access drives, a concrete curb which provides a curb reveal of eight inches in height must be placed along all street right-of-way lines.
- E. To protect other vehicles and pedestrians in the immediate area of such a use, railing, fencing, posts and chains or similar protective barricades must be located on the perimeter of the parking areas except at access drives or exits.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- G. If intended for night use, adequate lighting must be provided. The lighting provided must be directed down and onto the parking area.

**§ 224-81. Public utility building or service structure.**

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

- A. The permitted building or structure shall not include the storage of vehicles or equipment used in the maintenance of any utility, and no equipment causing unreasonable noise, vibration, smoke, odor or hazardous effect shall be installed.
- B. Unhoused equipment shall be enclosed with a fence or wall not less than six feet in height which shall be so constructed as not to have openings, holes or gaps larger than two inches in any dimension. Such fence must be surrounded by evergreen plantings.
- C. There shall be no specific minimum lot size; however, each lot shall provide front, side and rear setbacks which comply with the requirements of the zone in which located. Such uses shall be exempt from lot coverage and open area requirements of the zone in which located, provided that the stormwater management plan is approved by the Borough Engineer.

**§ 224-82. Rooming house.**

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

- A. Any structure proposed as a rooming house or boardinghouse shall have a habitable floor area in addition to that required for the person or family operating the facility of at least 250 square feet for each roomer or boarder.
- B. No facilities for cooking or dining shall be provided in individual rooms or suites.

- C. All rooming houses and boardinghouses shall comply with all applicable local regulations, including but not limited to fire, health, safety and building codes.

**§ 224-83. Service station or convenience store dispensing fuel.**

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

- A. Lot area shall be 12,000 square feet minimum.
- B. Buildings must be set back at least 40 feet from the street line.
- C. Gasoline pumps and all service equipment must be set back at least 20 feet from any lot line or street right-of-way line and located so that vehicles stopped for service will not extend over the property line.
- D. All lights must be diverted toward the facility or downward on the lot.
- E. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall, fence or vegetative material and screened from view of adjoining properties shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
- F. At least 10% of the lot on which the facility is situated must be devoted to natural landscaping.
- G. All merchandise, except vending machines and oil racks, shall be displayed within a building.
- H. Access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.

**§ 224-84. Shopping center, shopping mall or shopping plaza.**

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

- A. All buildings must be setback at least 25 feet from any property line and 40 feet from a street line.
- B. Access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.
- C. A buffer yard at least 20 feet wide must be provided on the site in all instances where the site adjoins a residential zone or use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes. In addition, screening shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls and plantings.

**§ 224-85. Single-family attached dwelling.**

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

- A. Lot area shall be 3,000 square feet minimum.
- B. Lot width shall be 20 feet minimum.
- C. There shall be no more than eight dwelling units in any one row and no building, i.e., row, shall exceed 200 feet in length.

**§ 224-86. Solid waste processing facility.**

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

- A. Any processing of solid waste, including but not limited to incineration, compaction, material separation, recycling, refuse-derived fuel and pyrolysis, shall be conducted within a wholly enclosed building.
- B. No refuse shall be deposited or stored and no building or structure shall be located within 50 feet of any property line.
- C. A buffer yard at least 50 feet wide shall be located along all property lines. No structures, storage, parking or any other related activity or operation shall be permitted within this area. The buffer shall be naturally landscaped and have no impervious cover.
- D. Any area used for the unloading, transfer, storage, processing or incineration of refuse must be completely screened from ground-level view at the property line. In addition, such areas must also be completely enclosed by an eight-foot-high fence, with no openings greater than two inches in any direction.
- E. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be weighed will not back up onto public roads.
- F. Access to the site shall be limited to those times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other means designed to deny access to the area at unauthorized times or locations.
- G. Hazardous waste as described by the Department of Environmental Protection shall not be accepted at the proposed facility.
- H. The unloading, processing and transfer of solid waste shall be continuously supervised by a qualified facility operator.
- I. Any waste that cannot be used in any disposal process or material that is to be recycled shall be stored in leakproof and vectorproof containers. Such containers shall be designed to prevent their being carried by wind or water.

- J. All storage of solid waste shall be indoors in a manner that is leakproof and vectorproof. During normal operation, no more solid waste shall be stored on the property than is needed to keep the facility in constant operation.
- K. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the borough.
- L. The applicant shall submit an analysis of raw water needs indicating the quantity of water required. The applicant shall also submit documentation that the public water authority will supply the water needed.
- M. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to ensure safe turning movements to and from the site and safe through movement on the existing road.
- N. The applicant shall submit proof that the proposed facility complies with the regulations of the Department of Environmental Protection and has been permitted in writing by said agency.

**§ 224-87. Tavern.**

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

- A. Buffers and screens shall be provided as necessary to adequately protect neighboring properties from any adverse effects of the use or vehicular traffic. This includes but is not limited to fences, walls, plantings and open spaces.
- B. The use shall not constitute a public or private nuisance.
- C. The use must be more than 200 feet from any church, hospital, charitable organization, school or public playground.
- D. The use must be more than 200 feet from any other facility licensed by the Pennsylvania Liquor Control Board.

**§ 224-88. Truck or motor freight terminal.**

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

- A. Access shall be via an arterial or collector street as designated in the borough's Thoroughfare Classification Plan.

- B. Satisfactory provision shall be made to minimize harmful or unpleasant effects such as noise, odors, fumes, glare, vibration or smoke.
- C. A buffer yard at least 50 feet wide must be located on the terminal site in all situations where the site adjoins a residential zone. This yard shall be naturally landscaped, have no impervious cover and shall not be used for parking, building, loading or storage purposes.

**ARTICLE VII**  
**Administration and Enactment**

**§ 224-89. Permits.**

- A. Building permits. Where required by the Dallastown Borough Building Permit Ordinance<sup>13</sup> for the erection, enlargement, repair, alteration, moving or demolition of any structure, a building permit must be obtained from the Zoning Officer. The permit application must be accompanied by a site plan to demonstrate conformity to this chapter.
  - (1) Lot: the location and dimensions of the lot.
  - (2) Streets: names and widths of abutting streets and highways.
  - (3) Structures and yards: locations, dimensions and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure but off the lot.
  - (4) Improvements: proposed off-street parking and loading areas, access drives and walks; proposed sewage disposal system, water supply system and other utilities.
- B. Use certificates. A use certificate certifying compliance with this chapter must be obtained from the Zoning Officer for any new structure as below or for any change of use of a structure or land as set forth below before such new structure or use or change of use is occupied or established.
  - (1) Use of a building or structure erected, structurally altered or extended or moved after the effective date of this chapter.
  - (2) Use of vacant land except for horticultural purposes.
  - (3) Any change in a conforming use of a building or structure or land.
  - (4) Any change from a nonconforming use of a building or structure or land to a conforming use.
  - (5) Any change in the use of a building or structure or land from that permitted by any variance of the Zoning Hearing Board.

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13. Editor's Note: See Ch. 90, Building Construction, Art. I, Building Permits.

- (6) Temporary garage, yard, attic, barn or similar types of sales. The application for a use certificate must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this chapter or until change of occupancy.
- C. Use certificate for an existing use. An owner may, in writing, request the Zoning Officer to issue a use certificate for any existing structure or land, after the effective date of this chapter or on the effective date of any amendment and at that time in conformity with this chapter.
- D. Temporary permits; application. A person may request a temporary special exception for a nonconforming structure or use which is or will be seasonal or is or will be in the public interest.

**§ 224-90. Enforcement; Zoning Officer; powers and duties.**

- A. Appointment and powers.
  - (1) For the administration of this chapter, a Zoning Officer, who may not hold any elective office in the borough, shall be appointed by the Borough Council. The Zoning Officer shall meet the qualifications established by the borough and shall be able to demonstrate to the satisfaction of the borough a working knowledge of municipal zoning. The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.
  - (2) The Zoning Officer is the enforcement officer for this chapter. He issues all building permits, use certificates and, at the direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter with consent of the owner. The Zoning Officer may identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities.
- B. Forms. The Zoning Officer must provide a form or forms prepared by the Borough Solicitor for:
  - (1) Building permits.
  - (2) Special exceptions.
  - (3) Use certificates.
  - (4) Appeals.
  - (5) Variances.
  - (6) Registration of nonconforming uses and nonconforming buildings or structures.

- C. Transmittal of papers. Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Borough Planning Commission copies of all papers constituting the record upon the special exception, variance or appeal.
- D. Action on building permits. Within 15 days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the Building Permit Ordinance<sup>14</sup> and this chapter, the Zoning Officer must grant a permit. If the permit is not granted, he must state in writing the grounds of his refusal.
- E. Action on use certificates. Within 15 days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this chapter, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.
- F. Revoking permits/approvals. The Zoning Officer shall revoke a permit or approval issued under the provisions of this chapter in the case of any false statement or misrepresentation of a fact in an application or on the plans on which the permit or approval was based. Any permit issued in error shall in no case be construed as waiving any provision of this chapter and such permit may be revoked.
- G. Enforcement. Upon determining that a violation of any of the provisions of this chapter exists, the Zoning Officer may initiate civil enforcement proceedings. To initiate a civil enforcement proceeding, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
- (1) The name of the owner of record and any other person against whom the borough intends to take action.
  - (2) The location of the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instances the applicable provisions of this chapter.
  - (4) The date before which the steps for compliance must be commenced (within 15 days of issuance of notice) and the date before which the steps must be completed (within 45 days of issuance of notice).
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 15 days of issuance of said notice in accordance with procedures set forth in Article V.

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14. Editor's Note: See Ch. 90, Building Construction, Art. I, Building Permits.

- (6) That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation in accordance with § 224-96 of this chapter.

#### H. Records.

- (1) The Zoning Officer must keep record of:
  - (a) All applications for building permits, use certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
  - (b) All complaints of violations of provisions of this chapter and the action taken on them.
  - (c) All plans submitted.
  - (d) Nonconforming uses and nonconforming buildings and structures. The record must indicate the type of nonconformity, its location, ownership and any changes in the structure or use.
- (2) All such records and plans shall be available for public inspection.

#### I. Reports. At intervals of not greater than six months, the Zoning Officer must report to the Borough Council.

- (1) The number of building permits and use certificates issued.
- (2) The number of complaints of violations received and the action taken on these complaints.

#### § 224-91. Amendments.

- A. The Borough Council may from time to time amend, supplement or repeal any of the regulations and provisions of this chapter.
- B. Public hearing(s). Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- C. County Planning Commission review. At least 30 days prior to the hearing on any amendment by the Borough Council, the borough shall submit the proposed amendment to the County Planning Commission for recommendations.

- D. Amendments involving Zoning Map changes. If the proposed amendment involves a Zoning Map change, notice of the required public hearing shall be conspicuously posted by the borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition, written notice of the hearing shall be sent to the property owner and all adjoining property owners.
- E. Enactment of amendments.
- (1) Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then a copy thereof shall be supplied to the newspaper in general circulation in the borough at the time the public notice is published and an attested copy of the proposed ordinance shall be filed in the County Law Library or other county offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the ordinance.
  - (2) In the event that substantial amendments are made in the proposed amendment, before voting upon enactment, the borough shall, at least 10 days prior to enactment, readvertise in one newspaper of general circulation in the borough a brief summary setting forth all the provisions in reasonable detail, together with a summary of the amendments.
  - (3) Within 30 days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.
- F. Landowner curative amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.<sup>15</sup>
- G. Municipal curative amendments. If the borough determines that its Zoning Ordinance or any portion thereof is substantially invalid, the borough shall declare, by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with

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15. Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1.

the procedures set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as reenacted and amended.<sup>16</sup>

**§ 224-92. Fees.**

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

**§ 224-93. Appeals.**

Any person aggrieved or affected by a provision of this chapter or decision of the Zoning Officer, Borough Engineer, Zoning Hearing Board or Borough Council may appeal in the manner set forth in either Article IX or X-A of the Pennsylvania Municipalities Planning Code, as reenacted and amended,<sup>17</sup> whichever is applicable.

**§ 224-94. Conflicting provisions.**

All borough ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provisions of this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

**§ 224-95. Interpretation of provisions.**

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

**§ 224-96. Abatement of violations; notice 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 chapter, the Borough Council or, with approval of the Borough Council, an officer of the borough or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough Council at least 30 days prior to the time the action is begun by serving a

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16. Editor's Note: See 53 P.S. § 10609.2.

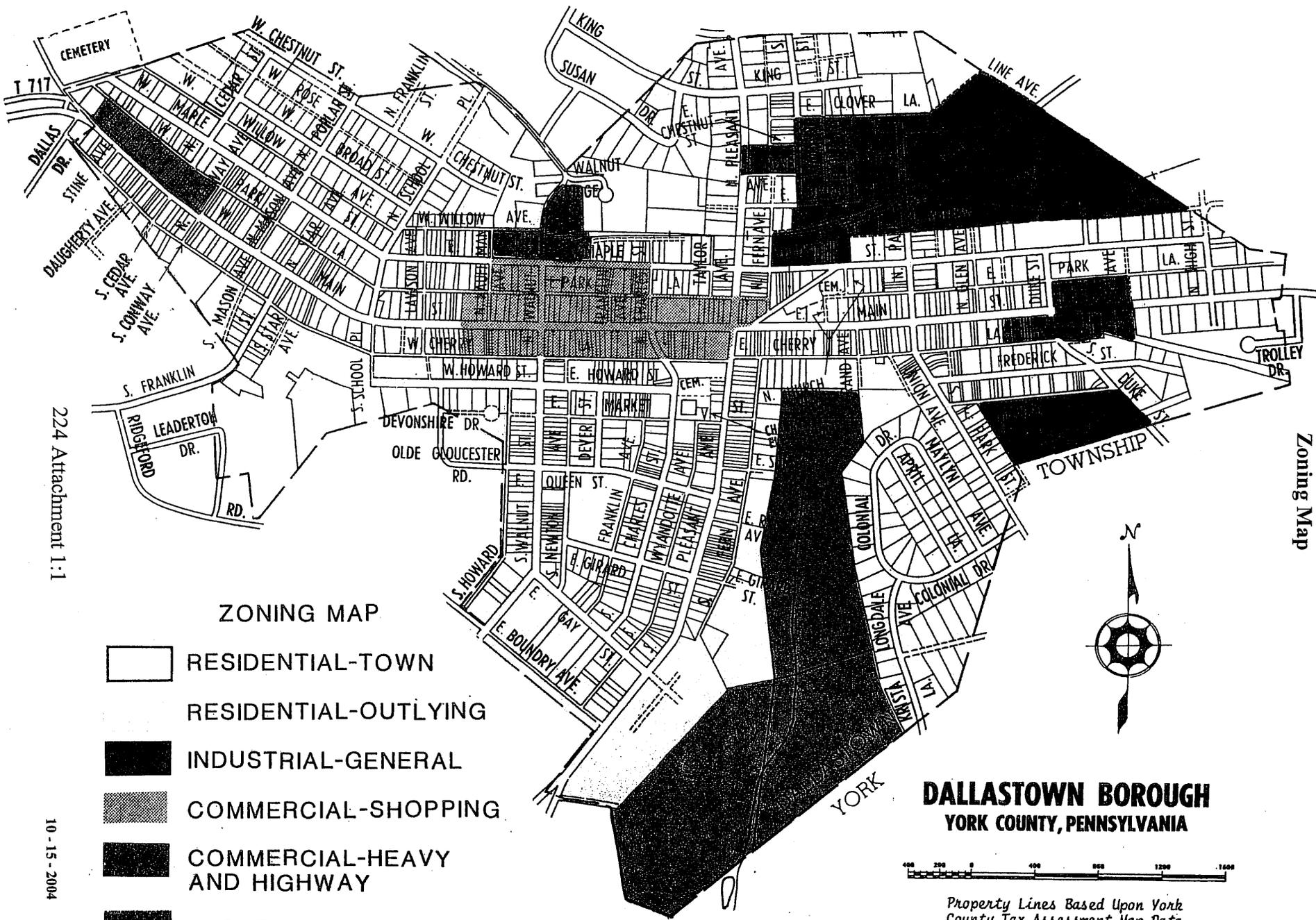
17. Editor's Note: See 53 P.S. § 10101 et seq.

copy of the complaint on the borough. No such action may be maintained until such notice has been given.

**§ 224-97. Violations and penalties.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of a provision of this chapter 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 determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was not such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the borough.





**ZONING MAP**

-  RESIDENTIAL-TOWN
-  RESIDENTIAL-OUTLYING
-  INDUSTRIAL-GENERAL
-  COMMERCIAL-SHOPPING
-  COMMERCIAL-HEAVY AND HIGHWAY
-  SLOPE

**DALLASTOWN BOROUGH**  
**YORK COUNTY, PENNSYLVANIA**



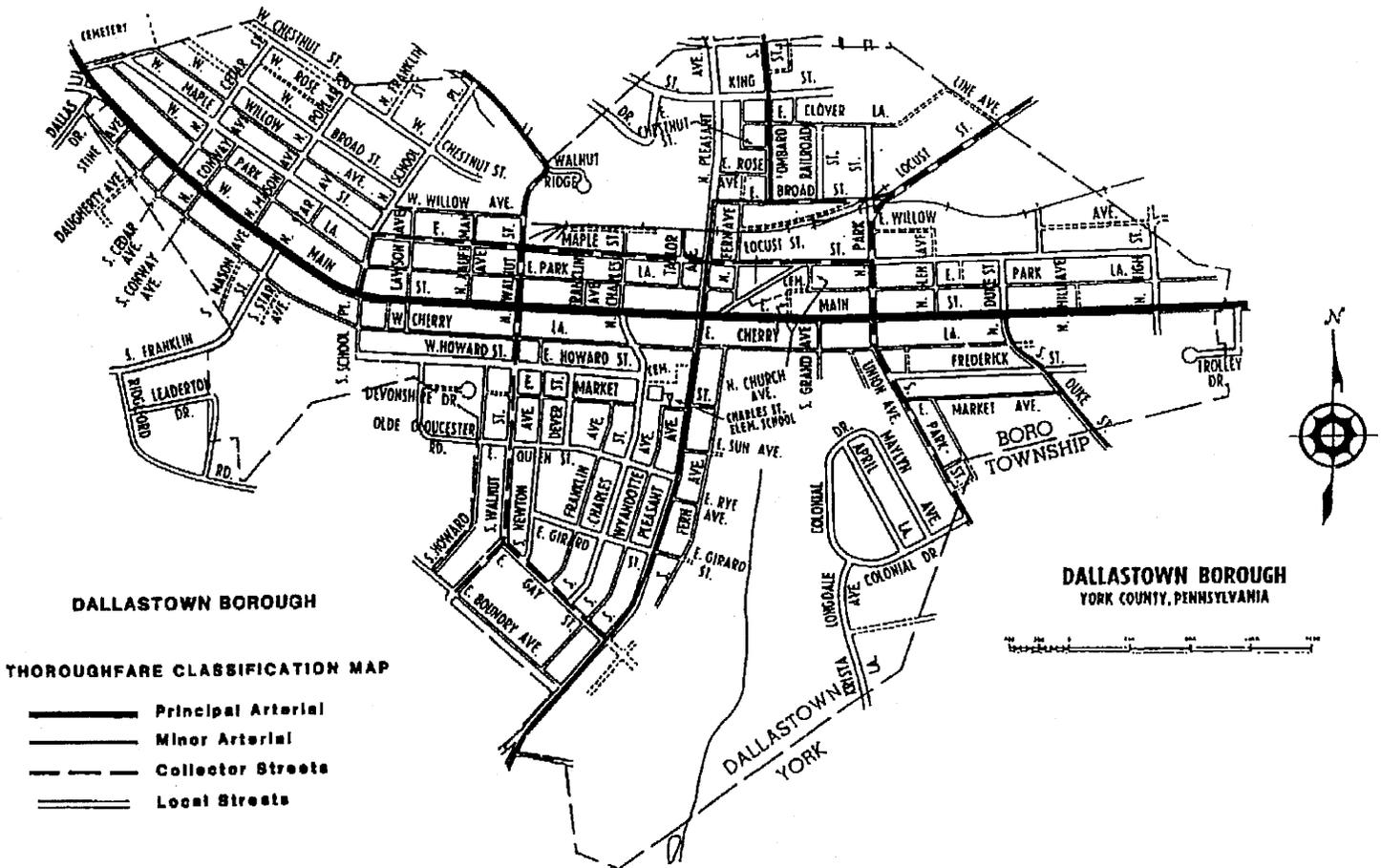
*Property Lines Based Upon York County Tax Assessment Map Data*



ZONING

224 Attachment 2

Thoroughfare Classification Map



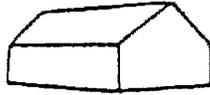


# ZONING

## 224 Attachment 3

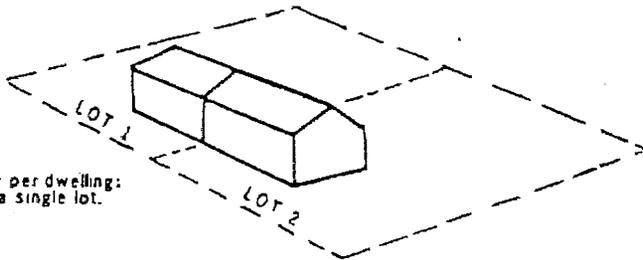
### Illustrations of Residential Dwelling Types

#### SINGLE FAMILY DETACHED DWELLING



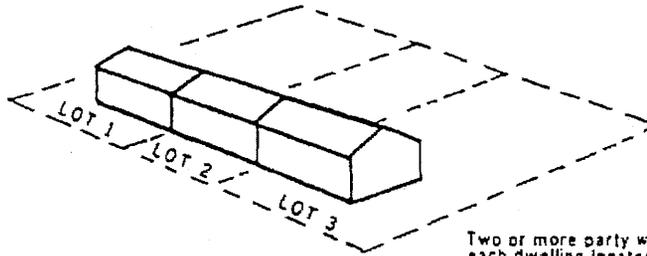
No party wall, one family, located on a single lot.

#### SINGLE FAMILY SEMI-DETACHED DWELLING

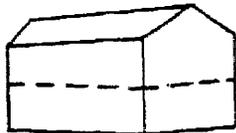


One party wall, one family per dwelling; each dwelling located on a single lot.

#### SINGLE FAMILY ATTACHED DWELLINGS



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



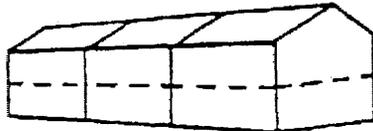
No party wall, one unit per floor; building located on a single lot.

#### TWO FAMILY DWELLINGS



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

#### MULTI-FAMILY



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



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



ZONING

224 Attachment 4

Setback Requirements Applying to Corner Lots

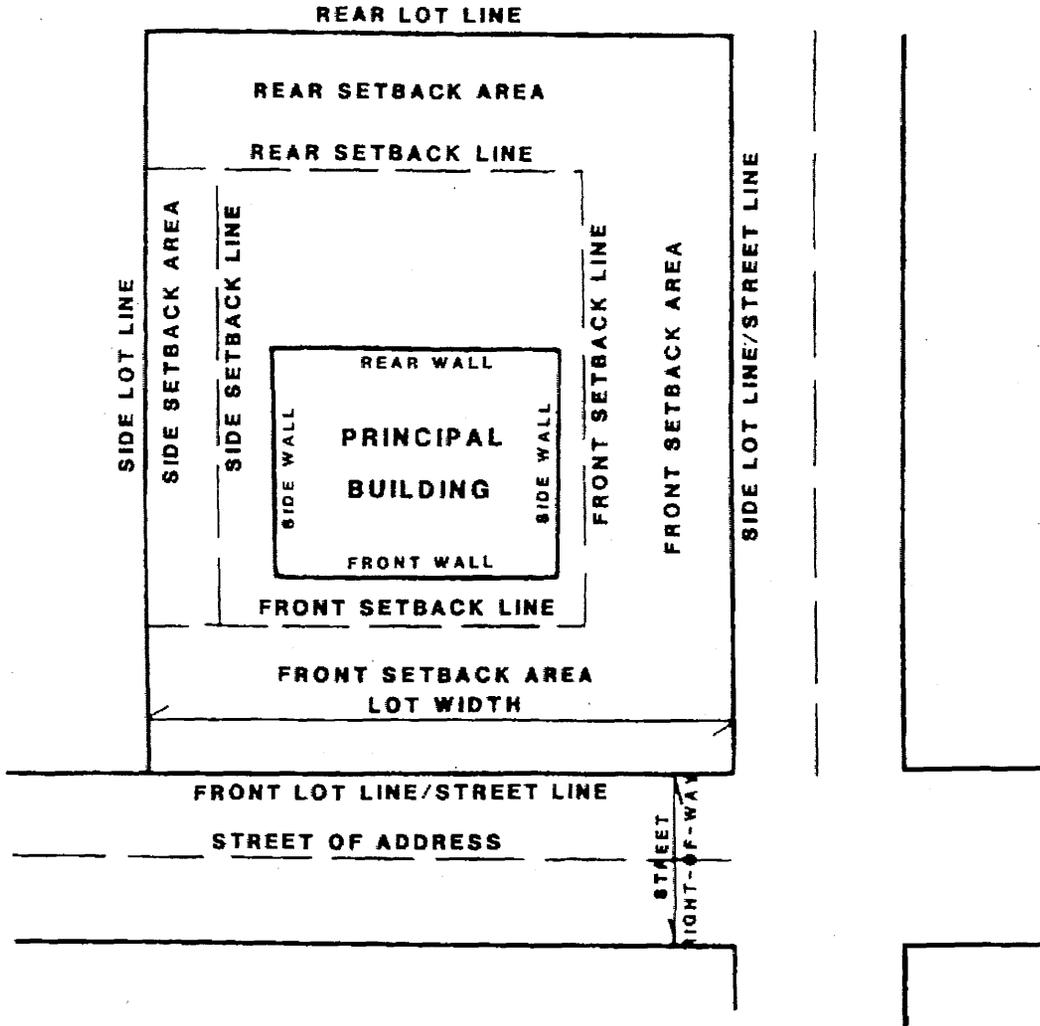


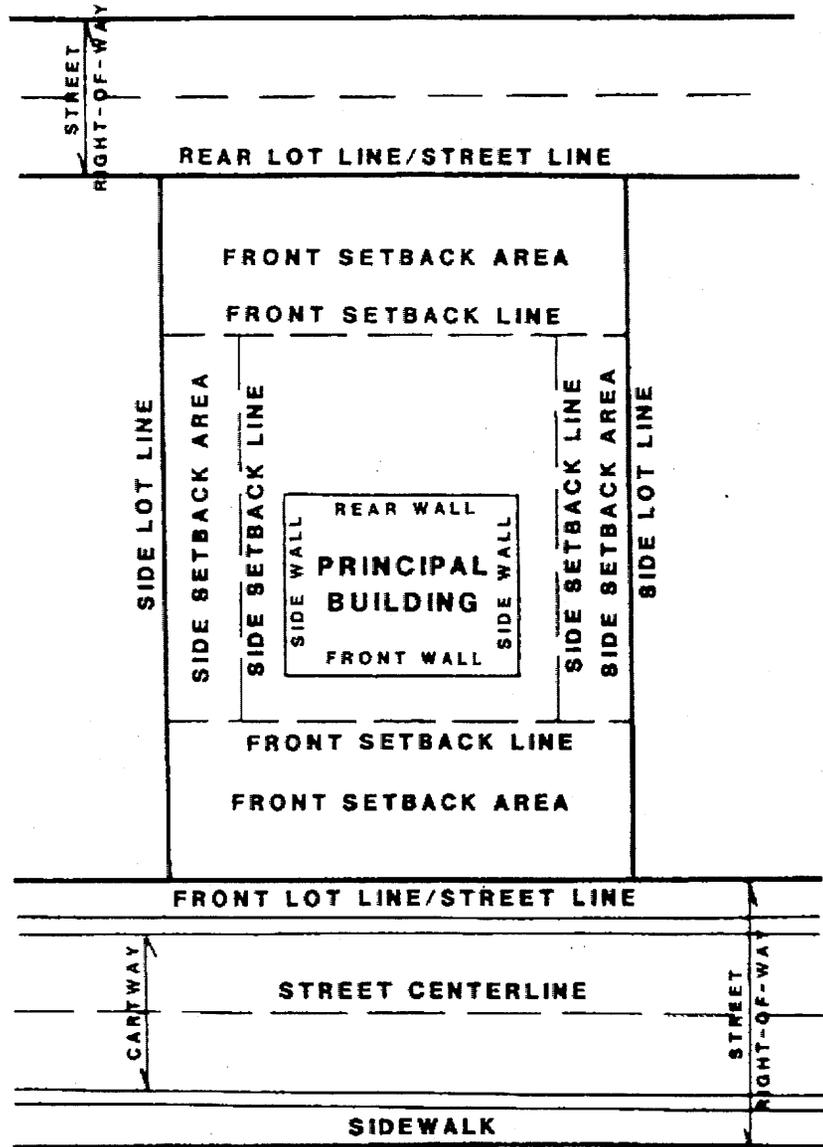
ILLUSTRATION DEPICTING SETBACK REQUIREMENTS  
APPLYING TO CORNER LOTS



ZONING

224 Attachment 5

Setback Requirements Applying to a Double  
or Reverse Frontage Lot





ZONING

224 Attachment 6

Setback Requirements Applying to Interior Lots

