

ORDINANCE NO. 2009 - 6

AN ORDINANCE OF THE BOROUGH OF STEELTON, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF STEELTON PENNSYLVANIA, CHAPTER 120, "ZONING", BY AMENDING AND RESTATING THE ZONING CHAPTER AS A NEW COMPREHENSIVE ZONING ORDINANCE CHAPTER PROVIDING FOR: (1) DIVIDING THE BOROUGH OF STEELTON, DAUPHIN COUNTY, PENNSYLVANIA INTO DISTRICTS WITH VARYING REGULATIONS; (2) PERMITTING, PROHIBITING, REGULATING AND DETERMINING THE USES OF LAND, WATER COURSES AND OTHER BODIES OF WATER, THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, EXPANSION, RAISING, REMOVAL AND USE OF STRUCTURES, THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES OF STRUCTURES, AS WELL AS YARDS AND OTHER OPEN AREAS TO BE LEFT UNOCCUPIED; (3) ESTABLISHING THE MAXIMUM DENSITY AND INTENSITY OF USES; (4) PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, INCLUDING PROVISIONS FOR SPECIAL EXCEPTIONS AND VARIANCES TO BE ADMINISTERED BY A ZONING HEARING BOARD AND CONDITIONAL USES TO BE ADMINISTERED BY THE BOROUGH COUNCIL; (5) PROVIDING FOR NON-CONFORMING BUILDINGS AND USES; AND (6) ESTABLISHING PROVISIONS FOR THE PROTECTION OF CERTAIN NATURAL FEATURES.

**BE IT ORDAINED AND IT IS HEREBY ORDAINED AND ENACTED** by the Borough Council of the Borough of Steelton as follows:

**SECTION 1.** The Code of the Borough of Steelton, Pennsylvania, Chapter 120, "Zoning", is hereby amended in its entirety to read as follows:

**Chapter 120: ZONING**

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## **ARTICLE I - Title, Authority, Purpose, Community Development Objectives**

### **§ 120-1. Short Title.**

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

### **§ 120-2. Authority.**

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended. ("MPC").

### **§ 120-3. Purpose.**

This Chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the orderly and efficient integration of land development within the Borough, the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, water resources and drainage ways, sewerage, schools, public grounds and other public requirements, including adequate sites for recreation, conservation, scenic and other open space purposes as well as;
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures.
- C. To implement the purposes and objectives of the Borough of Steelton, Dauphin County, Pennsylvania Comprehensive Plan 2002 or such portions of the Comprehensive Plan as may be applicable to the Zoning Ordinance.

### **§ 120-4. Community Development Objectives.**

The community development objectives are as follows:

- A. To provide an overall agreed-upon framework of policy against which individual proposals can be evaluated by the legislative body of the community.
- B. To provide a framework within which physical planning for needed facilities can be accomplished.
- C. To establish long-range development responsibilities and policies to which individual property owners, businessmen and industrialists can prepare and coordinate their plans for development.
- D. To establish a consensus about long-term growth potentials, objectives and priorities so that the community undertakes development projects based upon logic, relief coordination and economy.

### **§ 120-5. Social Objectives. The Social Objectives are as follows.**

- A. Social Planning -To develop a mechanism for social planning in the community for coordination effort, avoiding duplication and more adequately meeting unmet or partially met needs of the community.

- B. Health and Environmental Sanitation -To provide and make available to all members of the community the best healthcare and environmental sanitation possible. To support local, county and State agencies in overall health planning and development of preventative health program. Enforce all ordinances in such areas as air and water pollution.
- C. Housing -To provide decent housing for every member the community in order to meet their physical and psychological needs. To provide adequate enforcement of all codes and ordinances, which will insure the health, safety and welfare of residents of the Borough. To develop residential opportunities which are flexible and open, permitting a mixture of people in all areas. To encourage housing and land development procedures which permit improvement and experimentation in housing types construction, lot sizes, open space and community facilities.
- D. Recreation -To enhance and enrich the lives of members of the community by providing the means for a more stimulating and rewarding use of increasing leisure time. To provide that recreational facilities such as playgrounds and parks are to be improved and expanded. To reserve sites for active and passive recreation in areas of potential urbanization.

#### **§ 120-6. Economic Objectives.**

The community relies on the economy of the surrounding region for employment opportunities, commercial development, and industrial growth. Thus, the Borough will continue to be a "bedroom community" and be located near both commercial and employment centers.

- A. Personal -The community should be based on an economy capable of assuring employment opportunities and a rising standard of living. Increase labor productivity through such measures as retraining and general adult education, improving vocation technical education for prospective entrants to the labor force and implement retention programs for prospective school dropouts. Support and assist in all projects, which will contribute to the alleviation of unemployment and underemployment and the raising of incomes.
- B. Commercial -To encourage new commercial development which will take the form of unified and concentrated centers. To provide varied sites suitable for a variety of outlets. To plan for a minimum conflict with other area activities. To effectively use and develop old commercial centers that are important to the area's economy.
- C. Industrial -To develop a physical framework which is conducive to the retention of existing industries and the attraction of new economic activities in the Borough. To provide space for industry which is free from residential and other nonresidential land use intrusions. To seek the minimization of industrial blight and blight effects of industries on their neighbors.

#### **§ 120-7. Physical Objectives.**

- A. Land Use - To establish a land use pattern which provides the maximum opportunity for meeting human needs while complementing the distinctive features of the natural environment. Adopt and enforce effective land use controls. To support and assist the Tri-County Regional Planning Commission in promoting the orderly physical development of Cumberland, Dauphin and Perry County areas. To coordinate and inter-relate local planning to the plans of the tri-county area.
- B. Transportation - To develop a community-wide circulation system for serving existing and anticipated future land use, providing maximum convenience of movement to the population and shaping the extent and direction of community growth. To design the local street system to discourage thru traffic in residential neighborhoods. To support the Tri-County Regional Planning Commission and the Pennsylvania Department of Transportation in the planning and design of major thoroughfares. To encourage the growth of public transportation in urban areas.

- C. Aesthetic - To conserve and develop those natural resources upon which the future well-being and indeed the existence of the community are dependent and take immediate steps to prevent either depletion or pollution of these resources. To place all utilities underground whenever feasible. To enforce local ordinances prohibiting trash burning.
- D. Utilities -To develop a maximum relationship between the development of land and the provisions of adequate public facilities. To expand water service to adequately serve all deficient or potential growth areas. To provide that the County should assume responsibility for solid wastes disposal and create an office or department of solid waste management. To reserve land for future facilities and utility rights-of-way.
- E. Flood Plain Management - To adopt and enforce effective land use controls in areas subject to flooding in order prevent the loss of property and life, the creation of health safety hazards, the disruptions of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of tax base by:
  - (1) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
  - (2) restricting or prohibiting certain uses, activities, development from locating within areas subject to flooding;
  - (3) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and
  - (4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

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## **ARTICLE II - Definitions**

### **§ 120-8. Definition of Terms.**

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

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes an individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "lots" or "parcel." The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

**§ 120-9. Specific Definitions.**

**ABANDONMENT** - The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCESS DRIVE** - A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSORY BUILDING** - A building subordinate to and attached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE** - A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

**ADULT ARCADE** - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOK STORE OR ADULT VIDEO STORE** - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT CABARET** - A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in the state of nudity;
- B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION-PICTURE THEATRE**- A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATRE**- A theatre, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities .

**AGRICULTURE** - The tilling of the soil, the raising of the crops, horticulture and gardening.

**AIRCRAFT** - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

**AIRPORT(S) HARRISBURG INTERNATIONAL AIRPORT (HIA) AND CAPITAL CITY AIRPORT (CCA)** - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air

navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet above sea level. The Airport Elevation for the Harrisburg International Airport is 310-feet; the Airport Elevation for the Capital City Airport is 347-feet.

**AIRPORT HAZARD** - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. C.S. 5102.

**AIRPORT HAZARD AREA** - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and in the Aviation Code, 74 Pa. C.S. 5101 et seq.

**AIR RIGHTS** - The right to use space above ground level.

**ALLEY** - A public thoroughfare other than a minor street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

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

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

**AMENDMENT** - A change in use in any district which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Borough Council.

**AMUSEMENT ARCADE** - An establishment which has as its principal business offering to patrons mechanical, electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries, video games or similar devices and games.

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

**ANTENNA** - Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

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

**ANTENNA, SATELLITE DISH** - A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

**APARTMENT** - A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Bachelor Apartments, Studio Apartments and Kitchenette Apartments. Conversion Apartments are not included in the classification.

**APARTMENT, ACCESSORY** - An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

**APARTMENT, CONVERSION** - An existing dwelling unit that is or was converted to a dwelling for more than one (1) family, without substantially altering the exterior of the building.

**APARTMENT, GARDEN** - A two (2) story multi-family dwelling, containing (1) story dwelling units under one ownership.

**APARTMENT HOUSE** - A building arranged, intended or designed to be occupied by three (3) or more dwelling units.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary, or final is required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of development plan.

**APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in Section 1604 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

**APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES** - These zones are set forth in Section 1604 of this Ordinance.

**AREA, BUILDING** - The total of areas taken on a horizontal plane at the main grade level of the principal building and an accessory buildings, exclusive of uncovered porches, terrace and steps.

**AREA, LOT** - The area contained within the property lines of a lot or as shown on a subdivision plat excluding space within any street, but including the area of any easement.

**AUTOMOBILE** - A motor vehicle designed for the conveyance of persons or property requiring a registration under the laws of the Commonwealth of Pennsylvania for operation upon public highways; including a truck, motor home, motorcycle or travel trailer.

**AUTO BODY SHOP** - Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

**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, or similar motor vehicles.

**AUTOMOBILE SERVICE STATION** - Any area of land, including an structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

**AUTOMOBILE WASHING (CAR WASH)** - A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services set forth herein for "Automobile Service Stations."

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

**BAFFLE** - A freestanding randomly located structure fence-like in nature and materials of construction, except that it is not normally attached to any building, does not particularly follow lot lines, nor enclose a particular area, but rather screens one (1) segment of one (1) property from another for the primary purpose of assuring privacy; a baffle or screen of this nature may also be utilized for the support of various types living plant materials such as vines, climbing roses espaliered trees and shrubs.

**BASEMENT** - That portion of a building that is partially below ground level. This portion is not a completed structure and serves as a substructure or foundation for building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or the area is used for business or dwelling purposes, other than a game or recreation room.

**BED AND BREAKFAST ESTABLISHMENT** - A home occupation providing for compensation, sleeping accommodations and breakfast for transient guests.

**BLOCK** - An area bounded by streets, railroad right-of-way, waterway, or definite boundaries.

**BOARD** - Any body granted jurisdiction under a land use ordinance or under this Chapter to render final adjudications.

**BOARD OF APPEALS OR ADJUSTMENT** - A Board appointed by the authority adopting these regulations. The number of members, powers, governing rules, etc. of the Board are set forth Section 1609 of this Ordinance. Joint Airport Zoning Board defined in Section 1602.

**BOARDING HOUSE** - A building, arranged or used for lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

**BOROUGH** - The Borough of Steelton, Dauphin County, Pennsylvania, its officials, agents or representatives.

**BOROUGH COUNCIL** - The duly elected Borough Council of the Borough of Steelton, Dauphin County, Pennsylvania.

**BUFFER YARD** - See "Yard, Buffer."

**BUILDING** - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure persons, animals, or chattels, and including covered porches bay windows and chimneys.

**BUILDING, DETACHED** - A building surrounded by open space the same lot.

**BUILDING, FRONT LINE OF** - The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**BUILDING, HEIGHT OF** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING LINE** - A line parallel to the front, side, or rear lot line so as to provide the required yard.

**BUILDING, NONCONFORMING** - A building the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to this zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

**BUILDING PERMIT** - Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

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

**BUILDING SETBACK LINE** - The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way and the line defining side and rear yards, where required.

**CAMPING GROUND** - A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters, but not including a recreational vehicle park or mobile home park.

**CARPORT** - A roofed over structure, open on two (2) sides, used in conjunction with a dwelling for the storage of private vehicles and accessory to a main or accessory building.

**CARTWAY** - That portion of a street or alley which is improved, designed, or intended for vehicular use.

**CELLAR** - A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

**CLEAR-SIGHT TRIANGLE** - An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

**CLUSTER** - A development technique that concentrates building in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

**COLLOCATION** - The act of placing two or more antennas on one communications tower or other structure.

**COMMON OPEN SPACE** - See "Open Space, Common."

**COMMUNICATIONS EQUIPMENT BUILDING** - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

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

**COMPLETELY DRY SPACE** - A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONDITIONAL USE** - A use permitted in a particular zoning district pursuant to the provisions in Article VI of the MPC, 53 P.S. §10601, et seq.

**CONDOMINIUM** - Real estate, portions of which are designated for separate ownership and the remainder of, which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

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

**COURT** - An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

**COURT, INNER** - A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard or other outer court.

**COURT, OUTER** - A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street driveway, alley or yard.

**COVERAGE** - That portion or percentage of the lot area covered by a composite of all the building areas.

**CROSSWALK** - A right-of-way, publicly or privately owned, intended for furnishing access for pedestrians.

**CUL-DE-SAC** - A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**CURB LEVEL** - The officially established grade of the curb in front of the midpoint of the lot.

**DAY CARE CENTER** - See definition "School, Nursery."

**DECISION** - Final adjudication of any board or other body granted jurisdiction under any land use, ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies.

**DEPARTMENT** - Pennsylvania Department of Transportation.

**DETERMINATION** - Final action by an officer, body or agency charged with the administration of any land use ordinance applications there under, except the following:

1. The Borough Council;
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.

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

**DOG KENNEL** - A use in which three (3) or more dogs that are more than six (6) months old are kept.

**DRIVE-IN USE** - An establishment which by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or entertained while remaining in their motor vehicles.

**DUMP** - A lot or land or part thereof used primarily disposal by abandonment, dumping, burial, or other means and whatever purpose, of garbage, sewage, trash, refuse, junk discarded machinery, vehicles or part thereof, or waste material of any kind.

**DWELLING** - A building or structure designed for living quarters for (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

**DWELLING, ATRIUM HOUSE** - An atrium house is a single-family, attached, one-story dwelling unit with individual outside access. The lot on which the house is located shall be fully enclosed by a wall at least seven (7') feet high with a private yard, herein called an atrium, included on each lot. All living spaces, such as living rooms, dens and bedrooms, shall open onto the atrium.

**DWELLING, EARTH SHELTERED** - Any completed building or structure that was designed to be built partially or wholly underground. A completed building or structure which was not intended to serve as a substructure or foundation for a building.

**DWELLING GROUP** - A group of two (2) or more single-family, two-family, or multi-family dwellings occupying a lot in one (1) ownership.

**DWELLING, INDUSTRIALIZED HOUSING** - Any structure designed primarily for residential occupancy, except a manufactured home, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

**DWELLING, MANUFACTURED HOME** - A transportable, single-family detached dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For floodplain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than one hundred eighty (180) consecutive days.

**DWELLING, MULTI-FAMILY** - A building designed for, occupied, or used by three (3) or more families living independently of each other wherein each dwelling unit or apartment shall contain private bath and kitchen facilities and doing their own cooking, including apartment houses.

DWELLING, MULTIPLEX - A multiplex is a single-family or multifamily attached dwelling. In general, all units have independent outside access and may be arranged in a variety of configurations. No more than four (4) units shall be attached in any dwelling.

DWELLING, PATIO HOUSE - A single-family detached or attached dwelling with open space setbacks on three (3) sides and with a court.

DWELLING, SINGLE FAMILY, DETACHED - A building used by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

DWELLING, SINGLE FAMILY, ATTACHED (ROW) - A dwelling used by one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse), except for the dwelling at the end of the row, which shall have only one party wall.

DWELLING, SINGLE-FAMILY, SEMI-DETACHED - A dwelling used by one (1) family, having one (1) side yard, one (1) party wall in common with another dwelling.

DWELLING, TWO FAMILY, DETACHED (DUPLEX) - A building used by two (2) families, with one (1) dwelling unit arranged over the other, and having two (2) side yards.

DWELLING, TWO FAMILY SEMI-DETACHED - A building used by two (2) families, with one dwelling unit arranged over the other, having one side yard and having one party wall in common with another building.

DWELLING UNIT - A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, ZERO LOT LINE - A single-family detached dwelling with the building positioned on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

EASEMENT - A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ELECTRIC SUBSTATION - An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES - Electric public utilities transmission and distribution facilities including substations.

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

ESCORT AGENCY - A person or business association who or which furnishes, offers to furnish or advertises to furnish escorts for a fee, tip or other consideration, as one of its primary business purposes.

ESSENTIALLY DRY SPACE - A space, which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable.

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

FACADE - The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY** - One or more persons doing his/her/their own cooking and living upon the premises as a separate housekeeping unit, under a common housekeeping management plan based on an internally structured relationship providing organization and stability or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

**FAMILY CARE FACILITY** - A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of a licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

**FAMILY DAY CARE HOME** - A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is a permitted accessory use in any residential district.

**FENCE** - Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one (1) property from another to assure privacy, or to protect the property so screened or divided or to define and mark the property line when such structure is erected on or within two (2') feet of any front, side or rear lot line; for the purpose of this Chapter, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this Chapter, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot line," "side yard lot line" and "front yard lot line." Fences are not synonymous with "garden structures" which are defined elsewhere herein.

**FILL** - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

**FLOOD** - A temporary inundation of normally dry land areas.

**FLOOD, ONE-HUNDRED YEAR FLOOD** - A flood that, on the average is likely to occur once every one hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).

**FLOOD - FRINGE AREA** - The remaining portions of a floodplain which are located outside of the floodway.

**FLOOD SURFACE** - That portion of the floodplain outside the floodway.

**FLOODPLAIN OR FLOOD - PRONE AREA** - (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any surface.

**FLOODPROOFING** - Any combination of structural and non-structural additions, changes, or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a

flood of the one-hundred (100) year magnitude without increasing the water surface elevation more than one (1') foot at any point.

**FLOOR AREA** - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor area not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FLOOR AREA, HABITABLE** - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7') feet and the floor area of that part of any room where the ceiling height is less than five (5') feet shall not be considered as part of the habitable floor area.

**FLOOR AREA RETAIL, NET** - All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space and other general administrative areas.

**FLOOR AREA RATIO** - The ratio of floor area of a building to its lot area. When a floor area ratio of 0.4 is specified, the floor area of a building constructed on a lot of 10,000 square feet is limited to a maximum of 4,000 square feet, the number of stories being optional, the building area may be 4,000 square feet for one (1) story, 2,000 square feet for two (2) stories, and so forth.

**FREEBOARD** - An additional amount of height above a flood elevation used as a factor of safety (E.G., 1.5 feet above the base flood elevation) in determining the level at which a structures lowest floor must be elevated or flood proofed to be in accordance with flood plain management regulations.

**FRONT** - The side of a structure facing the street. A corner property may contain more than one front.

**GARAGE, PRIVATE** - An enclosed or covered space for the storage of one (1) or more vehicles or vessels, provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one (1) vehicle or vessel is leased to a nonresident of the premises.

**GARAGE, PUBLIC** - An enclosed or covered space, other than a private garage, which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

**GARDEN APARTMENT** - See definition "Apartment Garden."

**GARDEN STRUCTURES** - Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3') feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, birdbaths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

**GARDENING** - The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GOVERNING BODY - Shall mean the Borough Council of Steelton, Dauphin County, Pennsylvania.

GRADE, ESTABLISHED - The elevation of the centerline of the streets, as officially established by the municipal authorities.

GRADE, FINISHED - The completed surfaces of lawns, wall and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND FLOOR - The floor of a building nearest the mean grade of the front of the building.

GROUP CARE FACILITY - A facility providing shelter counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may required to meet standards of the licensing agency. Residents may not be legally related to the facility operators supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME - A residence offering baby-sitting services and child care services for seven (7) to eleven children unrelated to the resident household and meeting applicable licensing/registration requirements of Pennsylvania Department of Public Welfare.

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

- A. Involves persons functioning as a common household unit.
- B. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, or mental retardation/developmental disability, or that the applicant proves to the satisfaction of the zoning officer and meets the definition of "handicapped" as defined by applicable federal law. (Note: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such persons major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance use treatment."
- C. Does not meet the definition of a "group quarters".
- D. Does not involve the housing or treatment of persons who: a) could reasonably be considered a threat to the physical safety of others, and/or b) were previously convicted of a sexual offense committed against a minor.

GROUP QUARTERS - Any dwelling or portion thereof which is designed or used for four (4) or more 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 boarding houses, and other quarters of an institutional nature.

**HAZARDOUS WASTE** - Any substance classified by the US Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or the Borough as having the potential to damage health or impair safety, including any garbage, refuse, sludge from industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from municipal commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination the above. Hazardous waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342) source, special nuclear, or by-product material as defined by U.S.C. Section 2014) which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

A. cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or

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

The term "Hazardous Waste" shall not include coal refuse defined in the act of September 24, 1968 (P.L. 1040, No.318 known as the "Coal Refuse Disposal Control Act." "Hazardous Waste" shall not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried pursuant to the act of June 22, 1937 (P.L. 1987, No.394), known as "The Clean Streams Law."

**HEIGHT** - For the purpose of determining the height limits in all zones set forth in Part 16 of Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**HEIGHT OF BUILDING** - See definition "Building Height."

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

**HOME OCCUPATION** - An occupation or activity conducted for gain or profit within a dwelling or in a building accessory thereto; provided, however, that such occupation or activity shall comply with the regulations for home occupations specified in §120-11.J of this Chapter.

**HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

**HOTEL** - A facility offering transient lodging accommodations to the general public and may provide additional services such restaurants, meeting rooms, and recreational facilities.

**IMPERVIOUS MATERIAL** - Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.

**INCINERATOR** - An approved device in which combustible material, other than garbage, is burned to ashes.

**INDUSTRY** - The manufacturing, compounding, processing assembly or treatment of materials, articles, or merchandise.

**JUNK** - Any discarded materials, machinery, scrap metals, appliances, articles or objects possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motor, bodies of motor vehicles and vehicles that are inoperable and do not

have a current valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania (subject, however, to the provisions of Chapter 111 "Vehicles, Storage on Private Property" hereof), but not including garbage or any other organic waste or farm machinery provided said farm machinery is used in connection with a bona-fide farming/agricultural operation.

**JUNKYARD** - Any place within the Borough where junk as defined herein is stored, disposed of, accumulated or maintained. Any premises having more than one (1) used, unlicensed and/or inoperable automobiles or other vehicles thereon shall in any event shall be deemed a "junk yard", subject to the provisions of Chapter 111 "Vehicles, Storage on Private Property", hereof; provided further, however, that any used automobile dealer or any automobile or truck dealer who is licensed or franchised as such dealer may store at the place of business, for a period not to exceed thirty (30) days, any one (1) junk automobile, with no more than three (3) junk automobiles at any one time ever to be upon such premises. Should such used automobile or any licensed or franchised automobile or truck dealer have a junk automobile upon their premises for more than thirty (30) days or an excess of the permitted number of junk vehicles, the premises of used automobile or the licensed or franchised automobile or truck dealer shall be a "junk yard" under the terms of this Chapter.

**LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft, greater than 12,500 pounds maximum gross weight and jet power aircraft.

**LAND DEVELOPMENT** – any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land development" does not include development which involves:

1. The conversion of an existing single family detach dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intend to be a condominium;
2. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered amusement park. For the purposes of this subsection, amusement park is defined as a tract or area used principally a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LAUNDERETTE - A business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LIGHTING -

A. Diffused - That form of lighting wherein the light passes from the source through a translucent cover or shade;

B. Direct or Flood - That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;

C. Indirect - That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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

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

LOT, CORNER - A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street line is less than one hundred (100) feet.

LOT, DEPTH OF - The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE - An interior lot having frontage on two (2) streets.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINES - The lines bounding a lot as defined herein.

LOT LINE, REAR - Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the front wall of the house would determine the rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line further from any street shall be considered a "rear lot line".

LOT LINE, SIDE - Any lot line which is not a street line or a rear lot line.

LOT LINE, STREET - 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", or "lot front line".

LOT, MINIMUM WIDTH - The minimum lot width at the Building Setback Line.

LOT, NONCONFORMING - 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 reason of such adoption or amendment.

LOT OF RECORD - A lot which has been recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania.

LOT, REVERSE FRONTAGE - A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH -The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED HOME, DWELLING - See definition Dwelling, Manufactured Home.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK - A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two (2) or more manufactured homes.

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

MAJOR THOROUGHFARE - A street or highway designated as an existing or planned major thoroughfare.

MASSAGE - Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical/electrical apparatus; or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefore.

MASSAGE PARLOR - Any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage. This would include Physical Therapy Centers and Physician's Offices.

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

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

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

MIXED OCCUPANCY - Occupancy of a building or land for more than one (1) use.

MOBILE HOME - A transportable, single-family dwelling intended for a permanent occupancy, office or place of assembly contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which dwelling arrives at a site complete and

ready for occupancy except for minor and incidental packing and assembly operations, and is 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, which parcel is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK** - A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use and which consists of two or more mobile home lots.

**MODULAR HOME** - A type of dwelling that meets a definition of single family detached dwelling, single family attached, two family detached, and multi-family that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different location once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

**MOTEL** - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "Motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

**MUNICIPAL AUTHORITY** - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 182, No.164), known as the "Municipalities Authority Act of June 19, 2001, P.L. 287, No. 22, Section 1; 53 Pa. C.S.A. §5601, et seq.)

**NO IMPACT HOME-BASED BUSINESS** - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.;
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

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

H. The business may not involve any illegal activity.  
NONCONFORMING BUILDING - See definition "Building, Nonconforming."

NONCONFORMING SIGN - See definition "Sign, Nonconforming."

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Chapter or 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.

NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NUDE MODEL STUDIO - Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration to do so.

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

NURSERY, HORTICULTURE - Any lot or parcel of land used to cultivate, propagate and grow trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOUSE - A building with sleeping rooms where persons are housed or lodged and furnished with meals, nursing care for hire and which is approved for nonprofit/profit corporations licensed by the Pennsylvania Department of Public Welfare for such use.

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction, or the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same down stream to the damage of life and property.

OBSTRUCTION, HEIGHT - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth on Part 16 of this Ordinance.

OCCUPANCY PERMIT - A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFFICE BUILDING - A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling other than by a watchman or janitor.

OFFICE, PROFESSIONAL - A room or rooms used for the carrying on of a profession to include, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, insurance agents entitled to practice under the laws of the Commonwealth of Pennsylvania or similar type.

OFFICIAL MAP - A map adopted by ordinance pursuant to Article IV of the MPC (53 P.S. §10401 et seq.).

OPEN SPACE - The unoccupied space open to the sky on the same lot with the building, not including parking lots.

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

PARKING LOT - Any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE - The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARTY WALL - A common shared wall between two (2) separate structures, buildings, or dwelling units.

PAVE - To cover with concrete, macadam or pavers with a sub-base making a smooth and level surface, so as to make a convenient surface for travel.

PERSON - An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PERSONAL CARE HOME - A facility in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator and who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.

PERSONAL WIRELESS SERVICE FACILITIES - Facilities for the provision of personal wireless services.

PERSONAL WIRELESS SERVICES - Commercial mobile wireless services, unlicensed wireless services and common carrier wireless exchange access services.

PLANNING COMMISSION - The Steelton Borough Planning Commission, its representatives and agents.

PLAT - A map, plan or layout showing the subdivisions of land and indicating the location and boundaries of individual properties.

PORCH - A covered area in excess of four (4') feet by five (5') feet or twenty (20) square feet in area at a front, side or rear door.

PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

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

**PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is set forth in Section 120 - of this Chapter.

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

**PRIVATE AIRPORT** - An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C.S. A. §5102.

**PRIVATE ROAD** - A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot. See "Access Drive".

**PROFESSIONAL OCCUPATION** - The practice of a profession by any professional, including but not limited to Attorney, Real Estate Agent, Insurance Agent, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

**PRURIENT INTEREST** - Is to be judged with reference to average adults unless it appears from the nature of the material or the circumstances of its dissemination, distribution or exhibition, that it is designed for clearly defined deviant sexual groups in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

**PUBLIC** - Owned, operated or controlled by a government agency (Federal, State, or local, including a corporation and, board created by law for the performance of certain specialized governmental functions).

**PUBLIC AIRPORT** - An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C.S.A. §5102.

**PUBLIC GROUNDS** - includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the Borough Councilor Planning Commission, or Zoning Hearing Board intended to inform and obtain public comment, prior to taking action accordance with this Chapter.

**PUBLIC MEETING** - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No.84), known as the "Sunshine Act," 65 P.S. C.S.A §701 et seq.

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

**PUBLIC UTILITY FACILITIES** - Public utility transmission distribution facilities including substations and the like.

**RECREATIONAL VEHICLE** - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted drawn by another vehicle; having a body width of no more than eight (8') feet and a body length of no more than thirty-five (35') feet when factory equipped for the road, and licensed such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

**REGULATORY FLOOD** - The flood which has been selected to serve as the basis upon which the flood plain management provisions of this Chapter and other ordinances have been prepared; for purposes of this Chapter, the One-Hundred- Flood.

**REGULATORY FLOOD ELEVATION** - The One-Hundred-Year flood elevation.

**REPORT** - Any letter, review, memorandum, compilation similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to a proceeding upon request, and copies thereof shall be provided cost of reproduction.

**RESIDENTIAL HOTEL** - A hotel used by sixteen (16) or more permanent guests only and not by transients.

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

**RIGHT-OF-WAY, STREET** - A public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**RUNWAY** - A defined area in an airport prepared for landing and takeoff of aircraft along its length.

**SADOMASOCHISTIC ABUSES** - Flagellation or torture by or upon a person who is clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SANITARIUM** - A private hospital, whether or not such facility is operated for profit.

**SATELLITE DISH** - See definition "Antenna, Satellite Dish."

**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, NURSERY (DAY CARE CENTERS)** - A facility, not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ license personnel and shall be licensed by the Commonwealth of Pennsylvania. This definition includes Pre-school or Pre-K.

**SCREEN PLANTING** - A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts the structures and uses on the premises on which the screen planting is located.

**SEMINUDE**- A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well of portions of the body covered by supporting straps or devices.

**SEXUAL CONDUCT** - Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, anal or oral sodomy and sexual bestiality; and patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

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

- A. Physical conduct in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or the more of the persons is in a state of nudity or semi-nudity.

**SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion-picture theatre, adult theatre, escort agency, nude model studio or sexual encounter center.

**SEXUAL EXCITEMENT** - The condition of human male or female genitalia when in a state of sexual stimulation or arousal.

**SHOPPING CENTER** - A group of stores planned and designed to function as a unit for the lot on which it is located with offstreet parking provided as an integral part of the unit.

**SITE DEVELOPMENT PLAN** - A scaled graphical depiction of the proposed development of a lot, parcel, or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets driveways, rights-of-ways, easements, parking facilities, open space, public facilities and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Chapter and appropriate provisions of other such ordinances, as they may apply.

**SIGHT DISTANCE** - The length of roadway visible to the driver of a vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SIGN** - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization, or score boards located on athletic fields.

**SIGN, ADVERTISING** - A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

**SIGN, BUSINESS** - A sign which directs attention to a use conducted, product or commodities sold or service performed upon the premises.

**SIGN, CHARITABLE EVENT** - A sign which advertises a special event held a maximum of nine (9) days in any calendar year that primarily is conducted to benefit a United States Internal Revenue Service Certified Tax-Exempt non-Profit Organization.

**SIGN, GARAGE SALE** - A sign which advertises an occasional garage sale/porch or yard sale.

**SIGN, IDENTIFICATION** - A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, describing the use of such buildings; or when displayed at residence, indicating a home occupation legally existing thereat.

**SIGN MESSAGE DISPLAY** - A sign directly attached to a non-movable free standing sign. A message display sign is used to exhibit daily, weekly, or monthly customer specials, special hours, and/or limited products offered.

**SIGN, MOVABLE FREE STANDING** - A sign which is self-supporting upon the ground, constructed in a framed design, is intended for the display of daily specials, discounts, special events, or other daily changing activities, and is required to be removed upon the daily close of business.

**SIGN, NONCONFORMING** - Any sign lawfully existing on the effective date of this chapter, or an amendment thereto, which chapter or amendment renders such sign nonconforming because it does not conform to all the standards and regulations of this adopted or amended Ordinance.

**SIGN - NON-MOVABLE FREE STANDING** - A sign which is supported by means of poles, pylons or similar standards in the ground; a non-movable sign is not attached to a building and does not require a secondary means of support, such as guide wires, and shall include message display signs.

**SIGN, OFF-PREMISE ADVERTISING** - A sign, including billboards, intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service or cause not located on or related to the premises on which the sign is situated.

**SIGN, REAL ESTATE** - A sign relating to the property of which it is located, offering such property for sale or lease announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

**SIGN, ROOF** - Any device or structure erected for advertising or identification purposes upon or above the roof of any building or structure or part thereof.

**SIGN, SERVICE** - A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms; or other such pertinent facts.

**SIGN, TEMPORARY** - A sign constructed of paper, cloth, canvas, wood, metal or any light weight material intended to be displayed for a period of time not exceeding thirty (30) days.

**SIGN, WINDOW** - A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

**SOLAR ACCESS** - A property owner's right to have the sunlight shine on his land.

**SOLAR SKYSPACE** - The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

**SOLAR SKYSPACE EASEMENT** - A right, expressed as an easement covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which

protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access solar energy.

**SPECIAL EXCEPTION** - A use permitted in a particular zoning district pursuant to the provisions of this Chapter and Article VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. 10601 et seq., 10901 et seq. The zoning hearing board shall hear and decide requests for special exceptions in accordance with the standards and criteria established by the governing body in granting a special exception. The zoning hearing board may attach such reasonable conditions and safeguards, in addition to those expressed in this zoning chapter, as it may deem necessary to implement the purpose of the MPC and this chapter.

**SPECIFIED ANATOMICAL AREAS** - The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

**SPECIFIED SEXUAL ACTIVITIES** - Includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as a part of or in connection with any of the activities set forth in subsections A through C above.

**STORAGE FACILITY** - A structure intended for lease for the sole purpose of storing household goods, motor vehicles, recreational equipment.

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

**STORY, HALF** - A story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls, are not over three (3') feet above the finish floor of such story.

**STREET**- Includes street, avenue, boulevard, road, highway freeway, parkway, lane, alley, viaduct or any other ways used intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET, CUL-DE-SAC** - A street intersecting another street one end and terminating at the other in a vehicular turnaround.

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

**STREET LINE** - The dividing line between the street and the lot, also known as the right-of-way line.

**STREET, MAJOR :**

- A. Arterial Street - A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas;
- B. Collector Street - A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.

**STREET, MARGINAL ACCESS** - A minor street which is parallel and adjacent to a limited access highway or arterial street, which provides access to abutting properties and protection from through traffic. Also known as a service road.

**STREET, MINOR** - A street used primarily for access abutting properties.

**STREET WIDTH** - The distance between street lines measured right angles to the center line of the street.

**STRUCTURE** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For floodplain management purposes, walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**STRUCTURE, TEMPORARY** - A structure without any foundation footings and which is removed when the designated time period activity, or use for which the temporary structure was erected has ceased.

**STRUCTURE, NONCONFORMING** - A structure or part of structure manifestly not designed to comply with the use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Chapter or amendment or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**STUDIO** - A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

**STUDIO DANCING OR MUSIC** - The use of a premises by a teacher of music or dancing where students are taught these arts for a fee. This term is synonymous with "Dancing School" and "Music School," and other similar expressions.

**SUBDIVISION** - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS** - The increase in floor areas occupied by the business by more than 25 %, as the floor areas exist on the date of enactment of this Chapter.

**SUBSTANTIAL IMPROVEMENT** - Is defined as any repair, alteration, reconstruction or improvement of a structure, and/or use the cost of which equals or exceeds fifty (50%) percent its market value either:

- A. before improvement is started, or
- B. if the structure has been damaged and is being restore before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of structure to comply with existing State or local health sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration to a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

**SUBSTANTIALLY COMPLETED** - Where in the judgment of the Borough Engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SWIMMING POOL** - A water-filled enclosure, permanent constructed or portable, having a depth of more than eighteen (18") inches below the level of the surrounding land, or above-surface pool, having a depth of more than thirty (30") inches, designed, used and maintained for swimming and bathing.

**TELEPHONE CENTRAL OFFICE** - A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone and radio messages between subscribers and for other business of the telephone company, provided that in a residential district a telephone central office shall not include public facilities, storage and materials, trucks or repair facilities or housing of repair crews.

**THEATER** - A building or part of a building devoted to the showing of moving pictures or theatrical Productions on a paid admission basis.

**TOURIST HOME** - A dwelling in which overnight accommodations are used by transients guests for compensation.

**TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS** - Includes any of the following:

- A. The sale, lease or sublease of the business;
- B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**TRANSFORMER SUBSTATION** - An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is pass for the purpose of switching and modifying its characteristics meet the needs of the general public.

**TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured

horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

TREE - Any object of natural growth.

UNDEVELOPED LAND - Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

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

USE, NONCONFORMING - See definition "Nonconforming Use."

USE, PRINCIPAL - The primary or predominant use of any lot.

USE, TEMPORARY - A use established for a fixed period time with the intent to discontinue such use upon the expiration of the time period.

UTILITY RUNWAY - A runway that is constructed or intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VARIANCE - The permission granted by the zoning hearing board for an adjustment to some regulation 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 will maintain the spirit and content of this chapter. Such permission shall be granted pursuant to the provisions of this chapter and Articles VI and IX of the MPC (53 P.S. §10601 et seq. and §10901 et seq.).

VEGETATIVE COVER - Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

WIND ENERGY CONVERSION SYSTEM (WECS) - A device which converts wind energy to mechanical or electrical energy.

WIND ROTOR - The blades, plus hub to which the blades attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

WINDOW - An opening to the outside, other than a door, which provides all or part of the required natural light, natural ventilation or both to an interior space.

YARD - An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER - A strip of required yard space adjacent the boundary of a property or district, not less than the width designated in this Chapter, and on which is place, (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen, and give maximum protection and screening to an abutting property or district and may include wall, as provided for in this Chapter.

YARD, EXTERIOR - An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

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

**YARD, INTERIOR** - An open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not front, side, or rear yard.

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

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

**ZONING HEARING BOARD** - The Steelton Zoning Hearing Board, its representatives and agents.

**ZONING MAP** - The map setting forth the boundaries of the Zoning Districts of the Borough which shall be part of this Chapter.

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## **ARTICLE III - Regulations Applicable in All Districts**

### **§ 120-10. Scope of Article.**

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this chapter.

### **§ 120-11. Use regulations.**

- A. (Reserved) Editor's Note: Former Subsection A, Conversion apartments, was repealed 11-21-1994 by Ord. No. 94-9, approved 11-21-1994.
- B. Manufacturing. In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation for conformity with the requirements of this chapter, the following data shall be submitted with an application for a permit:
  - (1) Plot plan.
  - (2) Architectural plan.
  - (3) Description of operation.
  - (4) Engineering and architectural plans for water supply and sewage disposal.
  - (5) Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, water pollution and traffic.
  - (6) Proposed fuel.

- (7) Number of shifts and maximum employment per shift.
  - (8) Additional pertinent data as may be required by the Zoning Officer.
- C. Mining and quarrying. In districts where permitted, mining and quarrying shall be subject to the following safeguards and regulations:
- (1) Open excavations, pits and quarries shall be enclosed with a fence not less than six feet in height.
  - (2) All pits or quarries below the grade of a lot or street line shall be more than 100 feet from any lot or street line.
  - (3) All rock crushers, cement plants or other crushing, grinding, polishing or cutting machinery or other physical or chemical processes for such treatment shall be operated or carried on in such a way so as not to create a hazard to health, safety or welfare of the public by the emission of odor, dust, smoke, gas, vibration, illumination or noise beyond the limits of the premises on which such use is a lawful, permitted use.
  - (4) When deemed necessary for the protection of the public, the Planning Commission and the Borough Council may require the planting of a hedge and/or the erection of a fence. Any planting and/or fence shall be subject to approval of the Planning Commission and the Borough Council.
- D. Municipal use. In any district, a building may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal uses, including municipal recreation use.
- E. Prohibited uses.
- (1) Dwellings in commercial and industrial districts. Hereafter, a building shall not be erected or converted in the commercial or industrial districts established on the Zoning Map, Editor's Note: A copy of the current Zoning Map is on file in the office of the Borough Secretary. for use as a dwelling unless the dwelling use is incidental to the principal use of the premises.
  - (2) The primary living and sleeping quarters of dwelling units shall not be permitted in cellars.
  - (3) The following uses are prohibited in all districts throughout the municipality.
    - (a) The incineration, reduction or storage of garbage, offal, animals, fish or refuse, unless by the authority of or under the supervision of the municipality.
    - (b) Dumps and dumping of any kind, unless by the authority of or under the supervision of the municipality.
    - (c) The stripping of topsoil for sale, exclusive of the process of grading a lot preparatory to the construction of a building for which a zoning permit has been issued.
- F. Public utility facilities. Public utility facilities shall be permitted in any district, without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:
- (1) Front, side and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.

- (2) Height shall be required by the district regulations.
- (3) Unhoused equipment shall be enclosed with a chain link fence six feet in height, topped with barbed wire.
- (4) Housed equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in conformity with the district in which the facility is located.
- (5) Screen planting in residential, C-1, and C-2 Districts. The required fence for unhoused equipment shall be surrounded by an evergreen planting as approved by the Planning Commission.
- (6) The external design of the building shall be in conformity with the buildings in the district.
- (7) Access for unhoused equipment. Where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than 50% solid in ratio to open space.
- (8) Plans of the facility shall be submitted to the Planning Commission for review and approval.

G. Mobile home parks. Where permitted as a special exception use, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance for action by the governing body.

- (1) The minimum parcel size for any mobile home park development shall be five (5) acres.
- (2) The maximum density of a mobile home unit shall be five (5) units per acre.
- (3) No single mobile home lot shall be less than four thousand, two hundred (4,200) square feet.
- (4) No mobile home lot shall be within fifty (50) feet of a park boundary, nor within fifty (50) feet of an outside street right-of-way. This shall constitute the mobile home park boundary.
- (5) No mobile home, office, or service building shall be located within fifty (50) feet of a park boundary; nor within seventy-five (75) feet of an outside street right-of-way; nor within ten (10) feet of the right-of-way of an interior park street or the paved edge of a common parking area or common walkway; nor within twenty (20) feet of an adjacent structure or mobile home; nor within the designated recreation or open space areas.
- (6) Each mobile home shall have a minimum front yard of fifteen (15) feet, rear yard of twenty-five (25) feet, and two sides of ten (10) feet each. In no case shall the distance between any two mobile homes be less than twenty (20) feet.
- (7) A paved on-site walkway of a minimum width of three (3) feet shall be provided to each mobile home unit from an adjacent street.
- (8) There shall be a common walk system four (4) feet wide through the development.
- (9) Each mobile home lot shall abut on a park access drive, which shall be a dedicated public road built to Borough specifications. Access to all mobile home lots shall be from the internal roadway network.

- (10) Each mobile home space shall contain no more than one (1) mobile home.
- (11) Recreation land shall be provided in accordance with the Steelton Borough Subdivision and Land Development Ordinance. (§99-27) If recreation land is provided, it shall be located in an area of the tract that will be useable for both active and passive recreation and acceptable to the Zoning Hearing Board.
- (12) Each mobile home lot shall have attachments for waste disposal, water supply facilities, and electrical service, and shall be properly connected to an approved method of sewage disposal, and water and electric supply.
- (13) Protective skirting shall be placed around the area between the ground surface and the floor level of each mobile home so as to prevent that area from forming a harborage for rodents, creating a fire hazard, or exposing unsightly conditions.
- (14) No travel or vacation trailer or other form of temporary living unit shall be placed upon any mobile home lot or used as a dwelling within the mobile home park.
- (15) Individual mobile home owners may install accessory or storage shed, extensions and additions to mobile homes and exterior patio area. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard and in every case, shall substantially conform in style, quality and color to the existing mobile homes.
- (16) Each mobile home shall be provided with a minimum of two (2) paved parking spaces, which shall be located on the mobile home lot. If on-street parking is provided, an additional off-street parking space per unit shall be provided in a common overflow visitor parking lot. Such visitor parking lots shall be sized, arranged, and located so that the spaces are within three hundred (300) feet walking distance to those units served.
- (17) Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, unless otherwise required by ordinance. The length and width of which shall be at least equal to the length and width of the mobile home it is to support.
- (18) All mobile home parks shall be screened from adjoining properties and roads.

H. Private Clubs or Lodges

- (1) Clubs or lodges shall be detached buildings, and shall be separated from neighboring buildings or structures by at least twenty (20) feet.
- (2) Clubs or lodges shall have at least one (1) attendant on duty during all hours of operation. Hours of operation shall be 6:00am to 2:00am.
- (3) Clubs or lodges shall be located at least one thousand (1,000) feet from school buildings, school playgrounds, and church buildings.
- (4) The applicant shall furnish a written plan for controlling noise or loitering outside the building.
- (5) Buffers and screening shall be in accordance with the Borough Subdivision and Land Development Ordinance Sections 99-40 and 99-41.
- (6) Off-street parking shall be provided in accordance with the provisions of Article XVI.
- (7) Signs shall be in accordance with Article XVII.

(8) Illumination shall be in accordance with Section 120-17 of this Chapter.

I. Garden apartments. In districts where permitted, all garden apartments shall comply with the following:

- (1) There shall be not more than 18 dwelling units per building.
- (2) No garden apartment building shall be in excess of three stories in height.
- (3) Lot area per dwelling unit shall not be less than the area required by the district regulations, when served by both public water and sanitary sewers.
- (4) Where public sewers and water are not provided, the lot size shall be increased in area as required by applicable state and Borough regulations governing on-lot disposal systems.
- (5) All applicable provisions of this chapter.

J. Home occupations. Home occupations are permitted as a special exception subject to the following conditions:

- (1) The home occupation shall be carried on completely within the dwelling unit or accessory building.
- (2) Not more than one person other than the occupants of the dwelling unit shall be employed.
- (3) Not more than 1/2 the floor area of a main building shall be devoted to home occupation.
- (4) Articles sold or offered for sale shall be limited to those produced on the premises.
- (5) There shall be no exterior display or sign, except as permitted in the regulation on signs in this chapter; no exterior storage of materials; and no other exterior indication of the home occupation or variation of the residential character of the main building.
- (6) No offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- (7) A home occupation may include, but is not limited to, a professional or a medical or osteopathic physician, dentist, podiatrist, chiropractist, lawyer, engineer, architect, artist, teacher or dressmaker or barbershop, beauty parlor or real estate or insurance office.
- (8) A home occupation shall not be interpreted to include a commercial stable or kennel.
- (9) A home occupation shall provide parking in accordance with the provisions of Article XVI entitled "Off-Street Parking."

K. Medical or dental clinical buildings. Where permitted as a special exception in a residential district, a building for use as a medical or dental clinic may be erected and used subject to the following conditions:

- (1) The building shall be occupied and used only by persons licensed to practice the healing arts in the Commonwealth of Pennsylvania and their staffs.
- (2) The lot area shall not be less than 15,000 square feet.
- (3) The front yard depth shall be 35 feet; the side yard width shall be 35 feet; the rear yard depth shall be 35 feet.
- (4) Parking shall be provided on the basis of three parking spaces per doctor, plus one additional space for every employee. The size and location of these spaces shall be in accordance with the provisions of Article XVI entitled "Off-Street Parking."
- (5) An architectural sketch of the building and a plot plan showing the size and location of the building, parking areas, driveways and the plan for sewage disposal shall be submitted to the governing body and Planning Commission for review and approval.
- (6) Where two or more buildings are proposed as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements.

L. Motels. In districts where permitted, motels shall be subject to the following safeguards and regulations:

- (1) Where two or more buildings are proposed, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance Editor's Note: See Ch. 99, Subdivision and Land Development. for action by the governing body.
- (2) No motel shall have a lot area of less than one acre; and where one building is proposed, plans shall be submitted to and approved by the Zoning Hearing Board.
- (3) The motel shall be connected to a public sanitary sewer and water supply, where feasible, or a sanitary sewerage collection and treatment system and water supply approved by the Department of Environmental Resources. Editor's Note: Said Department was split in 1995 into the Department of Environmental Protection and the Department of Conservation and Natural Resources.
- (4) Front, side and rear yards of the motel shall be permanently landscaped and maintained in good condition.
- (5) At least one parking space shall be provided on the premises for each accommodation. Off-street parking and loading spaces for other facilities developed as part of the motel premises shall be provided as required by Article XVI of this chapter.
- (6) Every unit shall be provided with running hot and cold water and separate toilet facilities.
- (7) Motel buildings or parts thereof shall be placed no closer to any lot line than 30 feet.
- (8) The space between motel buildings shall be not less than 20 feet, and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units, except where parking is proposed. In such cases the distance between the fronts and/or rears of units shall be approved by the Planning Commission as required by Subsection L(1) above.
- (9) When the application for a permit is for a single motel building, a plan shall be submitted to the Zoning Officer showing the following:

- (a) Extent and area of property.
  - (b) Entrances, exits, driveways, roads, parking areas and walks.
  - (c) Location of the main building and accessory buildings.
  - (d) Plan for water supply.
  - (e) Plan for sewage disposal.
  - (f) Plan for storm drainage.
  - (g) Plan for soil erosion and sedimentation control approved by the County Conservation District.
  - (h) Plan for supply of electricity, gas and other utilities.
  - (i) Where entrances and exits of driveways are located on state highways, copies of permits secured from the Pennsylvania Department of Transportation shall be submitted with the plan.
- (10) Before issuing a permit the Zoning Officer shall submit the plan for such single motel building proposal to the Zoning Hearing Board for approval.
- M. Outdoor recreation areas, private or semiprivate. Where permitted as a special exception, private or semiprivate recreation areas shall be subject to the following conditions:
- (1) The minimum lot area shall be not less than 1/2 acre.
  - (2) Where two or more buildings or structures are proposed, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance. Editor's Note: See Ch. 99, Subdivision and Land Development.
  - (3) Where only one building structure is proposed, plans shall be submitted to the Zoning Hearing Board for review and approval.
  - (4) Such recreation use shall not be primarily for gain or profit.
  - (5) Parking shall be provided in accordance with the provisions of Article XVI of this chapter.
  - (6) Social and fraternal buildings shall be permitted only when incidental to and accessory to the primary use of the area.
  - (7) A buffer yard of not less than 15 feet nor more than 30 feet in width, as determined by the municipal agency responsible for approval for the specific use, and a screen planting shall be provided at a height and type as approved by the responsible agency under Subsection M(1) and (2) above.
- N. Swimming pools, private. Private swimming pools shall be a permitted accessory use in any district and shall comply with the following conditions and requirements:
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

- (2) The pool must be located within a side or rear yard and may be located no closer than six feet to any property line of the property on which it is located; provided, however, that, to the extent a property line includes a street right-of-way or cartway within the lot, no portion of the structure of the pool shall encroach on said cartway or improved right-of-way; to the extent such right-of-way is not improved, no portion of the aforesaid pool structure may encroach upon said unimproved right-of-way without the specific written permission of the Borough Council of the Borough of Steelton.
- (3) Every outdoor swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than four feet in height, which fence shall be so constructed as not to have openings, holes or gaps larger than six inches in any dimension; and if a picket fence is erected or maintained, the horizontal dimension of space between pickets shall not exceed six inches.
- (4) A dwelling or an accessory building may be used as part of such enclosure.
- (5) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed at all times when not in actual use, except that the door of the dwelling which forms a part of the enclosure need not be so equipped.
- (6) The property or the immediate area in which is located any outdoor pool capable of containing water 18 inches or more in depth shall be completely surrounded by a fence, hedge or wall not less than four feet in height, which fence may be so constructed as to have openings, holes or gaps not larger than two inches in a horizontal dimension. Should the wall of the pool be above ground, the height of the required fence may be reduced so that the total height of the wall of the pool and the fence shall be not less than four feet. When located in a required yard, any portion of the fence which exceeds four feet in height shall have openings equal to 50% or more of the area, over four feet in height. When located in a required yard, such fence shall not exceed eight feet in height.

O. Townhouses. In districts where permitted, all townhouses shall comply with the following:

- (1) There shall be not more than 12 units in a row.
- (2) Lot area per dwelling unit shall not be less than the area required by the district regulations, when served by both public water and sanitary sewers.
- (3) When public water and sewers are not provided, the lot size shall be increased in area as required by applicable state or municipal regulations governing on-lot disposal systems.
- (4) All applicable provisions of this chapter.

P. Automobile or gasoline service stations. In districts where permitted, service stations shall be subject to the following safeguards and regulations:

- (1) Hereafter, no service station shall be located nearer than 1,000 feet to the lot line of any school, hospital or nursing or convalescent home.
- (2) Driveways shall be located as provided in Article XVIII.
- (3) All driveways and service areas shall be paved with a surfacing material as approved by the municipality.

- (4) Driveway areas and service areas shall be distinguished from sidewalk areas by painted lines.
- (5) Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
- (6) Minimum frontage on an interior lot shall be not less than 125 feet, and on a corner lot on a side street, not less than 100 feet and the front street, not less than 125 feet.
- (7) Gasoline pumps shall be set not less than 25 feet from any lot line and not less than 30 feet from any residential zone boundary line, and shall be so located that vehicles stopped for service will not extend over the property line.

Q. Churches, hospitals, municipal buildings, schools and other public and semipublic buildings. In districts where permitted, these uses shall meet the following requirements:

- (1) The lot area shall be determined on the basis of building size, yard requirements listed below and parking requirements, but in no case shall the lot area be less than 20,000 square feet.
- (2) Lot coverage. Lot area covered by all buildings, including accessory buildings, shall not be greater than 30% of the area of the lot.
- (3) Width regulations. The lot width at the required building line shall be based on the building size and yard requirements, but in no case shall the lot width be less than 100 feet in width.
- (4) Yard regulations. Each lot shall have yards not less than the following depths or widths:
  - (a) Front yard depth, 50 feet.
  - (b) Side yard: two in number; width, not less than 20 feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than 50 feet in width.
  - (c) Rear yard depth, 50 feet.
- (5) Height. The height of a building shall be not more than 35 feet, except as provided in § 120-12.
- (6) Off-street parking. Parking shall be provided in accordance with the provisions of Article XVI hereof. Portions of the required front yard setback may be used for off-street parking when authorized as a special exception.
  - (a) Service and access drives shall be at least 15 feet wide and not over 25 feet wide and shall be permitted to cross required yard areas, provided that the center line of the permitted drive shall not be a lesser angle to the street line than 60°.
  - (b) If greater controls are established for the district in which these uses are to be located, such control or controls shall take precedent over any or all of the foregoing.
- (7) Existing structures cannot be remodeled, converted or otherwise used for schools, hospitals, churches or other public uses until such plans are presented to the Zoning Hearing Board, together with approvals as may be necessitated by state and local law and rules and regulations of the Department of Labor and Industry, the State Department of Environmental Resources Editor's Note: Said Department was split in 1995 into the Department of Environmental Protection and the Department of Conservation and Natural Resources. and others. If the

Zoning Hearing Board finds any such plans and proposals are not in conflict with the intent and purposes of this chapter, such uses may be permitted.

R. Bed and Breakfast Inns

- (1) Bed and breakfast Inns are only permitted in existing residential structures. No modifications to the external appearances of the building (except fire escapes), which would alter its residential character shall be permitted.
- (2) Guest stays shall be limited to a maximum of fourteen (14) consecutive days.
- (3) A maximum of ten (10) guest-rooms shall be permitted.
- (4) Breakfast or brunch shall be provided only to the guests of the establishment.
- (5) The operation of the Inn shall be conducted so as to be clearly incidental and accessory to the primary use as a single-family dwelling.
- (6) One parking space is required per guest room.

S. Uses not provided for. Whenever, in any district established under this chapter, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this chapter.

T. Location of sexually oriented businesses.

- (1) A person is guilty of a violation of this chapter if he or she operates or causes to be operated a sexually oriented business outside of the district in which a sexually oriented business is a permitted use. No sexually oriented business shall be located outside a district in which a sexually oriented business is a permitted use. Sexually oriented businesses as defined herein shall be permitted in the Secondary Commercial (C-2), Light Industrial (I-1), and Heavy Industrial (I-2) Districts as a special exception, provided that:
  - (a) The applicant for special exception demonstrates that the proposed use does not constitute a violation of Subsections T(1) through (8) hereinafter set forth.
  - (b) The applicant for special exception demonstrates that all other provisions of this chapter are being met in relation to the zoning district in which the proposed use is to be located.
- (2) A person is guilty of a violation of this chapter if he or she operates or causes to be operated a sexually oriented business within 500 feet of:
  - (a) A public library.
  - (b) A public park adjacent to any residential district.
  - (c) A church.
  - (d) A school.

- (3) A person is guilty of a violation of this chapter if he or she causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.
- (4) A person is guilty of a violation of this chapter if he or she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- (5) For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a public library, church or school or to the nearest boundary of an affected public park.
- (6) For purposes of Subsection T(3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- (7) Any sexually oriented business lawfully operating on the date of enactment of this section that is in violation of Subsections T(1) through (6) of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established as continually operating at a particular location is the conforming use and the later-established business is nonconforming.
- (8) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a public library, church, school or public park within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- (9) Repealer. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed; nothing contained in this subsection shall in any way change or modify the terms and provisions of Chapter 49, Conduct, Article III, Human Body Massage Establishments, of the Code of the Borough of Steelton.

U. Wireless telecommunications facilities.

- (1) Purpose. In recognition of the quasi-public nature of personal wireless service facilities, the purpose of this subsection is:
  - (a) To regulate the placement, construction and modification of communications and transmissions antennas and communications towers to protect the public safety and welfare.

- (b) To accommodate the need for communications antennas while regulating their location in the Borough.
  - (c) To minimize adverse visual effects of antennas and communications towers through proper design, siting, painting, and vegetative screening.
  - (d) To encourage collocation of antennas and the use of existing structures to reduce the number of such structures needed in the future.
  - (e) To avoid potential damage to adjacent properties from communications tower failure and falling ice or debris, through engineering and proper siting of communications towers.
  - (f) To minimize any adverse effects of location and design of personal wireless facilities on residential property values.
  - (g) To ensure that antennas and communications towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.
  - (h) To promote collocation of emergency services antennas.
- (2) Wireless communications facilities shall comply with the following provisions in addition to any other and all other ordinance provisions of this chapter or provisions of other ordinances of the Borough of Steelton which may additionally pertain to wireless communications facilities:
- (a) Communications antennas may be attached to buildings or structures (i.e., water tower or tall building) and shall be a permitted use in all districts, provided that the following requirements are met:
    - [1] Antennas shall not be installed on any property containing a single-family or two-family residential dwelling.
    - [2] Antennas shall not exceed the height of the existing structure by more than 20 feet.
    - [3] Omnidirectional or whip communications antennas shall not exceed 20 feet in height and seven inches in diameter.
    - [4] Directional or panel communications antennas shall not exceed five feet in height or width with a maximum surface area of 15 square feet.
    - [5] Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind, ice, and other loads associated with the antenna location.
    - [6] Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Borough of Steelton Code Enforcement Office for compliance with the Borough of Steelton's Building Code and other applicable law.
    - [7] Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

- [8] Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - [9] Communications antennas shall not cause radio frequency interference with other communications facilities located in the Borough of Steelton, nor shall they create crosstalk or otherwise interfere with other methods of telephone communication.
  - [10] A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
  - [11] The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
  - [12] Communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - [13] New communications antennas shall be collocated on existing buildings or structures that contain existing communications antennas unless the applicant demonstrates that a good faith effort has been made to obtain permission to collocate the communications antennas on an existing building or structure containing existing communications antennas by showing evidence in writing that all owners of such buildings and structures within a 1/4 mile radius of the proposed communications antenna site have been contacted and that one or more of the following reasons for not using such structure apply:
    - [a] The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
    - [b] The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
    - [c] Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
    - [d] Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
    - [e] A commercially reasonable agreement could not be reached with the owners of such structures.
- (3) Communications towers are permitted as a special exception in C-1 and C-2 Districts provided that the following requirements are met:
- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
  - (b) Any applicant proposing construction of a new communications tower shall demonstrate showing evidence in writing that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a 1/4 mile radius of the

- proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:
- [1] The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
  - [2] The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
  - [3] Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
  - [4] Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - [5] A commercially reasonable agreement could not be reached with the owners of such structures.
- (c) Communications towers shall be located a minimum of 500 feet from any existing residential structure.
- (d) In all other respects, communications towers permitted under this section shall comply with the requirements set forth for communications towers in I-1 and I-2 Districts.
- (4) Communications towers are permitted in the I-1 and I-2 Districts and shall comply with the following provisions in addition to other ordinance provisions:
- (a) Yard regulations.
    - [1] Communications towers shall be set back from all property lines or lease lines the greater of a distance equal to 35% of the height of the structure or to the yard setbacks applicable to the zoning district in which the structure is to be located, whichever is greater.
    - [2] Communications towers shall be set back a minimum of 500 feet from R-1, R-2, R-3, C-1, and C-2 Districts, as well as 500 feet from residential structures in all other districts.
    - [3] Communications equipment buildings shall comply with the yard requirements of the zoning district in which they are located.
    - [4] Where required, buffer yards shall be provided in accordance with the provisions of § 120-14, Yard regulations, Subsection C, Buffer yards.
  - (b) Height regulations.
    - [1] Communications towers, including attached antennas, shall be kept to a minimum height needed to function in accordance with industry standards. In case of co-usage, the communications structure height may be adjusted to account for other users. In no case shall any communications tower exceed a maximum height of 200 feet.
    - [2] Communications equipment buildings shall comply with building height requirements in the zoning district in which they are located.
  - (c) Separation. A minimum of 10 feet shall be maintained between any communications tower, or portion thereof, and all buildings except the associated communications equipment building.
  - (d) Access. Access shall be provided to the lot or leased parcel on which the communications tower or communications equipment building is located by

means of a public street and/or easement to a public street. The easement shall be a minimum of 20 feet in width and the access shall be paved to a width of at least 10 feet for its entire length.

- (e) Off-street parking. A minimum of one paved off-street parking space shall be provided on the lot or leased parcel on which the communications tower and/or communications equipment building is located. The required parking shall be in accordance with the provisions of Article XVI, Off-Street Parking, § 120-55, General regulations.
- (f) Fencing.
  - [1] A fence shall be required around the equipment building(s) and other equipment. The fence shall be a minimum of six feet in height and a maximum of eight feet in height; shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than nine square inches; and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized operations or maintenance personnel.
  - [2] All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure.
- (g) Landscaping. The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the tower and any other ground-level features (such as a building) and in general soften the appearance of the personal wireless service facility site. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.
  - [1] An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted eight feet on center maximum). The evergreen screen shall be a minimum height of six feet at planting and shall grow to a minimum of 15 feet at maturity.
  - [2] In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
  - [3] Where buffer yards and screen planting are required elsewhere in this chapter, the required screen planting shall be in addition to the landscaping required in this subsection.
- (h) Communications tower color. Communications towers shall be painted in a color that best allows blending into the surroundings, unless otherwise required by the FAA regulations. The use of grays, blues, and greens may be appropriate.
- (i) Communications tower equipment and accessory buildings. Accessory buildings must conform to all requirements of the zoning district in which the antenna and support structure are located.
- (j) Lighting. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction. Site lighting shall be allowed provided such lighting does not shine or reflect on adjacent properties.
- (k) Compliance and safety.

- [1] The applicant shall demonstrate that the proposed antenna and communications tower are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris.
- [2] The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- [3] All communications towers shall be fitted with anticlimbing devices, as approved by the manufacturers.
- [4] Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable airport zoning regulations. Editor's Note: See Art. XV, Airport Zoning, of this chapter.
- [5] Inspection. Beginning in December of 2003 and by December of each odd-numbered year thereafter, the owner of the communications tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. A copy of said inspection report shall be provided to the Borough Code Enforcement Office.

(l) Removal. Any communications facility that is no longer in use for its approved purpose shall be removed at the owner's expense. The owner shall provide the Borough Code Enforcement Office with a copy of the notice to the FCC of intent to cease operations. If the facility remains unused for a period of six consecutive months, the owner shall be given 90 days from the end of the six-month period to remove the communications structure and all accessory structures. In the case of multiple operators sharing use of a single communications tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower portion of the communications facility has first been dismantled and removed.

- (5) Where a communications tower and/or communications equipment building are proposed as a use by special exception, application shall be submitted to the Borough of Steelton Zoning Hearing Board. A plan shall be submitted to the Planning Commission for review and its recommendations shall be forwarded to the Zoning Hearing Board.
- (6) Prior to the issuance of a building permit for the erection of a communications tower or communications equipment building, applicants must receive approval of a land development plan from the Borough Council of the Borough of Steelton. The land development plan shall comply with the Code of the Borough of Steelton, Pennsylvania, Chapter 99, Subdivision and Land Development ("Steelton Subdivision Ordinance").
- (7) A formal land development plan shall not be required if the antenna is to be mounted on an existing structure in accordance with the provisions of this subsection.
- (8) Amateur radio. These regulations shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio status operator.

V. No-impact home based businesses. No-impact home based businesses shall be permitted in all residential districts as a use permitted by right, except that such permission shall not supersede

any deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

**§ 120-12. Height Regulations.**

- A. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard regulation for the district in which the building is located, except for those buildings which are controlled by a floor area ratio.
- B. Height regulations shall not apply to spires, belfries, cupolas, penthouses or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads or utility poles or towers, silos and ornamental or necessary mechanical appurtenances.
- C. For all residential uses accessory buildings shall not exceed 14 feet in height.

**§ 120-13. Area Regulations.**

Unless the regulations of the district in which they are located require greater lot areas or lot widths, the following regulations shall apply:

- A. On a lot held in single and separate ownership which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon, provided the yard space is not less than the minimum specified herein.
- B. The area, width and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking space and yards.
- C. Lots not served by a public sewer system shall be of the dimensions and area necessary to provide for all the requirements for on-site sewage disposal systems established by the Pennsylvania Department of Environmental Resources. Editor's Note: Said Department was split in 1995 into the Department of Environmental Protection and the Department of Conservation and Natural Resources. Specific lot sizes shall be determined on the basis of percolation tests as required by the Pennsylvania Department of Environmental Resources. Reports on said percolation tests shall be submitted to the Zoning Officer.

**§ 120-14. Yard Regulations.**

- A. Front yards.
  - (1) When a vacant lot is situated between two lots each occupied by a principal building (within 25 feet of the side lot line of such vacant lot), which building extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two adjacent occupied lots.
  - (2) Where a vacant lot adjoins only one lot occupied by a principal building (within 25 feet of the common side lot line), which building extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.

- (3) An accessory building shall not be erected or substantially altered within any front yard.
- (4) Parking shall not be permitted in front yards in residential districts, except on a lawful service or access drive.

B. Side yards.

- (1) On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this chapter.
- (2) On a lot held in single and separate ownership at the effective date of this chapter, with a lot width less than required for the zone district, only one single-family dwelling may be erected, and side yards shall be provided according to the following requirements.
  - (a) On interior lots with a width of 50 feet or more, two side yards shall be provided as required by the district regulations.
  - (b) On corner lots with a width of 50 feet or more, two side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
  - (c) On lots less than 50 feet, but not less than 27 feet, in width, two side yards shall be provided, each equaling 20% of the lot width.
  - (d) On lots less than 27 feet, but not less than 20 feet, in width, the building shall be 16 feet in width and only one side yards shall be provided, equaling in width the difference between the lot width and 16 feet. One side wall of the building shall be constructed abutting the lot line without openings but shall not be constructed as a party wall.
  - (e) On lots less than 20 feet in width, a building shall be constructed the full width of the lot. Side walls abutting the lot lines shall have no openings and shall not be constructed as party walls. For such dwellings, constructed to a depth of more than two rooms, a court not less than six feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
- (3) On a lot, in a commercial or industrial district, held in single and separate ownership at the effective date of this chapter, with a lot width less than required for the zone district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection B(2) above for residential structures.
- (4) An accessory building may be erected within one of the side yards or within the rear yard provided that:
  - (a) Such accessory building shall be not less than 10 feet farther back from the front lot line than the rear-most portion of the main building.
  - (b) Where such side or rear yard is along an alley, the accessory building shall be located not less than five feet from the alley.
  - (c) When not constructed on the side or rear lot line, the accessory building shall be located not less than five feet from such lot line.

- (d) Where such side or rear yard is adjacent to another lot, the accessory building shall be not less than three feet from any lot line.
  - (e) When an accessory building is erected within the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line.
  - (f) On a corner lot in any residential district, an accessory building shall not be erected within 30 feet of the exterior side lot line (street line); provided, however, that when the main building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may be erected at the average distance from the street line established by the existing main buildings.
- (5) A carport, open on three sides, may be erected within one of the side yards when attached to a main building existing at the effective date of this chapter, provided that the carport shall be not less than three feet from the side lot line.

C. Buffer yards.

- (1) Where a commercial or manufacturing use adjoins a residential district, a buffer yard of a width as hereinafter required shall be provided along the lot lines in addition to the yards required for the district in which it is located. Minimum required width for buffer yards shall be as follows:
- (a) C-1 Town Center, 15 feet.
  - (b) C-2 Secondary Commercial, 15 feet.
  - (c) I-1 Industrial, Light, 30 feet.
  - (d) I-2 Industrial, Heavy, 30 feet.
- (2) All buffer yard areas shall be planted and maintained with a plant material and, in C-1, C-2, I-1, and I-2 Districts, a screen planting shall be planted and maintained to the full length of side and rear lot lines which do not abut streets.
- (3) In R-1, R-2, and R-3 Districts, screen planting shall be planted and maintained in the required buffer yards.
- (4) Buffer yards shall not be used for parking.
- (5) Buffer yards other than interior side buffer yards may be crossed by access roads, service drives and utility easements not more than 35 feet in width, provided that the angle of the center line of the road, drive or easement crosses the lot line and buffer yard at not less than 60°.
- (6) If a front yard of 30 feet or more in depth is provided, the buffer yard may coincide with the front 30 feet of the front yard.

D. Projections in yards.

- (1) Cornices, eaves, gutters, bay windows or chimneys may project not more than 24 inches into the front, side or rear yard of a lot.

- (2) Covered porches, whether enclosed or unenclosed, and carports shall be considered as part of the main building and shall not project into any yard.

E. Obstruction to vision.

- (1) Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- (2) On corner lots, no wall, fence, sign or other structure in excess of 3 1/2 feet in height shall be erected or altered and no hedge or growth in excess of 3 1/2 feet in height shall be permitted within 25 feet, in any direction, of the intersection of street right-of-way lines.

F. Fences and walls.

- (1) Fences and walls may be erected, altered and maintained within the yards, provided that any such fence or wall in the front yard shall not exceed 3 1/2 feet in height. Any fence or wall in the side or rear yard may be six feet or more in height, provided that any fence or wall exceeding six feet in height shall contain openings therein equal to 50% of that portion of the fence or wall exceeding six feet.
- (2) All yards used for the storage of any material needed for the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence or screen planting on all sides which face upon a lot in a more restricted zone.

**§ 120-15. Courts.**

Courts shall conform to the following requirements:

- A. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district, wherever any room therein, in which a person or persons live, sleep or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. This section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation are required.
- B. Outer court.
  - (1) The width of any outer court upon which windows open from a living room, bedroom or dining room shall be not less than the height of any wall opposite such windows, except as provided in § 120-13B(2). However, when the depth of such court is less than six feet, the minimum width may be as little as twice the depth.
  - (2) The depth of an outer court formed by walls on three sides shall be not greater than 1 1/2 times the width.
  - (3) The width of an outer court shall be not less than 2/3 the height of any opposing wall forming said court.
- C. Inner court.
  - (1) The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than 50 feet for apartment buildings and not less than 10 feet for two-family dwellings.

- (2) An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire-fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

**§ 120-16. Habitable Floor Area.**

The minimum habitable floor area of a dwelling unit hereafter erected shall be 600 square feet. In the case of apartment houses, the minimum habitable floor area shall be not less than 300 square feet per apartment, except those apartments designed for and occupied exclusively by one person, which apartments shall each contain not less than 150 square feet of habitable floor area.

**§ 120-17. Illumination.**

- A. The illumination of any sign shall be arranged in such a manner that the direct rays of light source shall not enter any residential building or fall within the right-of-way of any street or highway.
- B. The illumination of the exterior grounds of commercial and industrial establishments shall be arranged in such a manner that the direct rays of the light source shall not enter any residential building or fall within the right-of-way of any street or highway.

**§ 120-18. Reduction of Lot Dimensions.**

The area, width or depth of any lot shall not be reduced by subdivision, sale or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller or so that the coverage is greater than prescribed herein.

**§ 120-19. Waste and Sewage Disposal.**

- A. All methods and plans for the on-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the appropriate agency, or the Pennsylvania Department of Environmental Resources, Editor's Note: Said Department was split in 1995 into the Department of Environmental Protection and the Department of Conservation and Natural Resources. shall be a prerequisite to the issuance of a zoning permit.
- B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
- C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

**§ 120-20. Performance Standards.**

Hereafter, all uses of land, buildings and structures or industrial processes shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions; provided, however, that any uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if adequate provisions and safeguards to protect the health, safety, morals and the general welfare of the community

are established by a written agreement, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions and safeguards.

**§ 120-21. Drainage Regulations.**

A building may be erected or used and a lot may be used or occupied only when in conformity with the following regulations:

- A. Obstructions. The following shall not be placed or caused to be placed in a stream channel or open drainageway: fences, except two-wire fences; other structures or matter which may impede, retard or change the direction of the flow of water in such stream or open drainageway or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream would carry the same downstream to the damage or detriment of either public or private property adjacent to the said stream or open drainageway.
- B. Structure effect. Any structures permitted shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, and shall be designed to have a minimum effect upon the flow and height of floodwater.
- C. Structure anchoring. Any structure permitted shall be firmly anchored to prevent the structure from floating away thus threatening life or property downstream, or to further restrict bridge openings and other restricted sections of the stream or drainageway.
- D. Private sewage disposal systems. Private sewage disposal systems shall not be constructed within a stream or drainageway.
- E. Municipal liability. The granting of a zoning permit in any floodplain district shall not constitute a representative guaranty or warranty of any kind or nature by the municipality or by an official or employee thereof of the practicability or safety of any structure use of other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.
- F. Installation of fill materials.
  - (1) Fill may be placed at and within the outer line of a modified stream or drainageway when approved as a special exception by the Zoning Hearing Board and subject to the following conditions:
    - (a) Satisfactory evidence shall be submitted to the Board indicating that the cross-sectional area of the modified stream or drainageway will not be significantly reduced.
    - (b) Satisfactory evidence shall be submitted to the Board indicating that there will be no adverse flooding conditions created by the proposed fill.
    - (c) Permission shall be obtained for the proposed fill from the Division of Encroachments of the Water and Power Resources Board of the Pennsylvania Department of Environmental Resources, Editor's Note: Said Department was split in 1995 into the Department of Environmental Protection and the Department of Conservation and Natural Resources. pursuant to the state regulation of water obstructions.
    - (d) Under no circumstances shall any fill be placed within the floodway portion of any floodplain.
  - (2) When fill is used:

- (a) It shall extend laterally 15 feet beyond any building line from all points.
  - (b) It shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
  - (c) The fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (d) No fill slopes shall be steeper than one vertical or two horizontal, unless substantiating data, justifying steeper slopes, are submitted to and approved by the Zoning Officer.
  - (e) It shall be used only to the extent to which it does not adversely affect adjacent properties.
- G. State regulations. All regulations of the Commonwealth of Pennsylvania governing stream encroachments shall remain in full force and effect. In cases of inconsistency with regulations of this chapter, the more restrictive provisions shall govern.
- H. Reduction of lot area. Where the configuration of a stream and drainageway is such that minimum lot area or width regulations cannot be reasonably met, adjacent land within other districts may be applied to meet requirements. In such cases, the largest lot area and width of the district involved shall apply. All other district regulations shall remain in force.

**§ 120-22. Control of Traffic.**

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a state road or highway, approval by the Pennsylvania Department of Transportation shall be required.

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**ARTICLE IV - Nonconforming Buildings and Uses**

**§ 120-23. Scope of Article.**

All lawful uses of land or of a building, sign or other structure existing on the effective date of this chapter may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the district in which it is located, provided such nonconforming conditions shall comply with the following.

**§ 120-24. Conditions Required for Continuation; Permit Required.**

- A. The owner of the premises occupied by a lawful nonconforming use or building existing at the effective date of this chapter shall secure a certificate of nonconformance (see §120-81 hereof) which shall be for the purpose of ensuring to the owner the right to continue a nonconforming building or use.
- B. All nonconforming signs, billboards or advertising signboards, including poster panels, bulletins and the like, shall be made to conform to all pertinent regulations or be removed within two years after the effective date of this chapter. During this period they may be continued and maintained.

- C. Business identification signs, nonconforming business identification signs or existing nonconforming uses may be continued and maintained, provided that such signs shall conform to the general regulations of Article XVII, Signs.

**§ 120-25. Nonconforming Buildings and Uses for Which Construction has not been Completed.**

- A. Where a building permit has been issued 90 or more days prior to the effective date of this chapter and the proposed building or use does not conform to the requirements of this chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this article.
- B. Where a building permit has been issued less than 90 days prior to the effective date of this chapter and the proposed building or use does not conform to the requirements of this chapter, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this article only if at least one of the following conditions has been met prior to the effective date of this chapter:
  - (1) Construction other than excavation has been started.
  - (2) A contract for construction other than excavation has been let.

**§ 120-26. Alterations.**

- A. Should any nonconforming structure or nonconforming portion of the structure be damaged or destroyed, by fire, explosion or an act of God, to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with all regulations prescribed in this chapter.
- B. Minor repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided that:
  - (1) Repair or reconstruction is commenced within one year from the date of damage to the building and is carried to completion without undue delay.
  - (2) The reconstructed building does not exceed in height, area and volume the building destroyed.
  - (3) The reconstructed building shall comply with the area regulations of the district in which it is located.

**§ 120-27. Extensions or Enlargements.**

- A. The types of extension and enlargement listed below are permitted for nonconforming uses and buildings existing on the effective date of this chapter:
  - (1) The extension of a nonconforming use of land upon a lot occupied by such use.
  - (2) The extension or enlargement of a conforming building occupied by a nonconforming use.
  - (3) The extension or enlargement of a nonconforming building occupied by a nonconforming use.
  - (4) The extension or enlargement of a nonconforming building occupied by a conforming use.

- B. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
- (1) The extension or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
  - (2) The entire building or use shall be provided with off-street parking and loading spaces as required by Article XVI entitled "Off-Street Parking."
  - (3) The extension or enlargement does not replace a conforming use.
  - (4) The extension or enlargement of the nonconforming building or use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel existing and occupied on the effective date of this chapter, where such vacant parcels have been recorded separately or acquired following the effective date of this chapter.
  - (5) A nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of less restricted classification.

#### **§ 120-28. Changes in Use.**

A nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of less restricted classification.

#### **§ 120-29. Abandonment.**

A non-conforming use of a building or land shall be adjudged as 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 (1) year from the date of cessation or discontinuation. Such use shall not thereafter be reinstated and any structure shall not be reoccupied except in conformity with the provisions of this chapter with the following exception:

- A. Hereafter, the removal of a nonconforming trailer coach — mobile home from the site it occupied shall constitute abandonment of the space so occupied, and subsequent use of said trailer space shall conform with the provisions of this chapter.

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## **ARTICLE V - Districts Established**

### **§ 120-30. Zoning Districts.**

For the purpose of this Chapter, the Borough is hereby divided into districts which shall designated as follows:

- R-1 Low Density Residential
- R-2 Moderate Density Residential
- R-3 Traditional Neighborhood District
- C-1 Town Center
- C-2 Secondary Commercial District
- I-1 Industrial District, Light
- I-2 Industrial District, Heavy

OS	Conservation District
RR	Riverfront Revitalization Overlay District
GD	Greenway Development Overlay District
FP	Flood Plain Management
AZ	Airport Zoning
WC	Wireless Communications Towers, Facilities, Equipment & Antennas

**§ 120-31. Zoning Map.**

- A. The boundaries of the R-1, R-2, R-3, C-1, C-2, I-1, I-2, OS, RR, GD, FP, AZ, WC Districts shall be as shown, upon the map attached to and made a part of this Chapter which shall be designated "Zoning Map." The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter if all were fully described herein.
- B. The boundaries of the Flood Plain Management areas shall serve overlays to the underlying Districts as shown on the Official Zoning Map, and as specifically described in the Floodway Data Table and 100 year flood delineation in the Flood Insurance Study (FIS) prepared for the Borough by the Federal Insurance Administration (FIA) dated December 11, 1981. The said study accompanying maps, all notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter if all were fully described herein.
- C. The boundary of the AZ District shall serve as an overlay to the underlying Districts as shown on the Official Zoning Map, and as specifically described in the Height Limitation and Zoning District Map for the Borough by Pennsylvania Department of Transportation (PennDOT), Bureau Aviation, dated 1989. The said study and accompanying maps, notations, reference and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein.

**§ 120-32. Boundaries Between the R-1, R-2, R-3, C-1, C-2, I-1, I-2 and OS Districts.**

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines or such lines extended, or lines parallel thereto.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale the Zoning Map.

**§ 120-33. Interpretation of Boundaries.**

When a R-1, R-2, R-3, C-1, C-2, I-1, I-2, and O-S District boundary line divides a lot held single and separate ownership at the effective date of this Chapter, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than fifty (50') feet beyond the district boundary line.

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**ARTICLE VI - Floodplain Districts**

**§ 120-34. General Provisions.**

- A. Applicability. These provisions shall apply to all lands within the jurisdiction of Steelton Borough and shown on the official Zoning Map Editor's Note: A copy of the current Zoning Map is on file in the office of

the Borough Secretary, as being located within the boundaries of the Floodway and Flood-Fringe Districts.

- B. Interpretation of district boundaries. Where interpretation is needed concerning the exact location of any boundary of the Floodway or Flood-Fringe Districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- C. Compliance. No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinance and regulations which apply to uses within the jurisdiction of this chapter.
- D. Warning and disclaimer of liability.
  - (1) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that area outside the floodplain districts will be free from flooding or flood damages.
  - (2) This chapter shall not create liability on the part of the Borough of Steelton or any officer or employee thereof for any flood damages that result from reliance on this chapter of any administrative decision lawfully made thereunder.

#### **§ 120-35. Designation.**

- A. Identification and description of districts. The Floodway and Flood-Fringe Districts shall include all areas of the Borough subject to inundation by waters of the one-hundred-year flood (Regulatory Flood). The basis for the identification and delineation of these areas shall be the Flood Insurance Study dated December 1974 and the Flood Boundary and Floodway Map Index with maps numbered 01F and 02F and the FIA Map Index with FIA Flood Hazard Boundary Map and FIA Flood Insurance Rate Map Nos. H-01, I-01 and H-02, I-02 and Plate 1 and 2 of Flood Profiles dated November 1974, all as prepared for the Borough and the Federal Insurance Administration by the Susquehanna River Basin Commission.
- B. Map showing floodplain areas. For the purposes of this chapter, the boundaries of all identified floodplain areas within the Borough are shown on the Official Maps of Flood-Prone Areas of the Borough of Steelton, which is declared to be part of this chapter and which is available for inspection at the Borough offices.
- C. Changes in floodplain area boundaries. The delineation of any floodplain area, including any Floodway or Flood-Fringe Area within, may be revised by Borough Council where necessary because of natural or man-made changes which have occurred and/or where more detailed studies undertaken by a qualified agency or individual may document the need for such revision. All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

#### **§ 120-36. Basic Considerations.**

- A. All uses, activities and development occurring within any Floodway or Flood-Fringe District shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances such as the Borough Building Code and Borough Subdivision

and Land Development Ordinance. Editor's Note: See Ch. 44, Building Construction; Ch. 108, Uniform Construction Codes; and Ch. 99, Subdivision and Land Development. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels of floodways of any watercourse, drainage ditch or any other drainage facility or system.

- B. In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway or Flood-Fringe District, the developer shall notify, in writing, by certified mail, all affected adjacent communities and the Pennsylvania Department of Community Affairs Editor's Note: Now the Department of Community and Economic Development. of all such intended activities prior to any alteration or relocation of the watercourse and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the Borough Council, in writing, that the flood-carrying capacity within the altered or relocated watercourse in question will be maintained.

### **§ 120-37. Provisions Applicable to Floodway District.**

In the Floodway District, no new construction or development shall be permitted (including fences, with the exception of two-wire fences), except where the effect of such construction on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities.

- A. Permitted uses. In the Floodway District the following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:
- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
  - (2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.
  - (3) Residential uses such as yard areas, gardens, play areas and pervious parking areas.
  - (4) Industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- B. Uses permitted by special exceptions. The following uses and activities may be permitted by special exception, provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:
- (1) Structures accessory to the uses and activities in Subsection A above.
  - (2) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants and other similar or related uses.
  - (3) Water-related uses and activities, such as marinas, docks, wharves, piers, etc.
  - (4) Extraction of sand, gravel and other materials.
  - (5) Temporary uses such as circuses, carnivals and similar activities.

- (6) Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
  - (7) Other similar uses and activities.
- C. All uses, activities and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

**§ 120-38. Provisions Applicable to Flood-Fringe District.**

- A. In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.
- B. Under no circumstances, however, shall materials that are buoyant, flammable or explosive or which at times of flooding could be injurious to human, animal or plant life, be stored below an elevation of 1 1/2 feet above the regulatory flood elevation.

**§ 120-39. Factors to be Considered in Granting Special Exceptions.**

In passing upon application for special exceptions within any Floodway or Flood-Fringe District, the Zoning Hearing Board shall consider all relevant factors specified in other sections of this chapter and:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of and access to the property, in times of flood, of ordinary and emergency vehicles.
- K. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
- L. Such other factors as are relevant to the purposes of this chapter.

**§ 120-40. Nonconforming Structures and Uses.**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

- A. Existing nonconformities (structures and/or uses) located in the Floodway District shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvements.
- B. Any modification, alteration, repair, reconstruction or improvement of any kind to a nonconformity (structure and/or use), regardless of location, to an extent or amount of less than 50% of its value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction or improvement of any kind to a nonconformity (structure and/or use), regardless of location, to an extent or amount of 50% or more of its value, shall be undertaken only in full compliance with the provisions of this and any other applicable chapter.
- D. Uses or adjuncts thereof which are or become nuisances shall not be permitted to continue.

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**ARTICLE VII - R-1, Low Density Residential**

**§ 120-41. District Provisions.**

- A. Purpose.

The purpose of this Part is to provide for certain areas of the Borough to be maintained as residential areas primarily for single-family detached housing. R-1 development shall preserve green spaces while permitting larger lots to exist within the Borough.

- B. Uses Permitted by Right. Land and buildings in an R-1 District shall be used for the following purposes:
  - (1) Single-family detached dwellings.
  - (2) Communications antennas
  - (3) Municipal infrastructure and emergency service facilities
  - (4) Churches or similar places of worship
  - (5) Public parks, playgrounds and municipal recreation areas
  - (6) Municipal buildings, public libraries
  - (7) Public utilities
  - (8) Signs. (See Article XVII)
  - (9) All uses similar to the above and not prohibited by law.
  - (10) Accessory buildings and uses customarily incidental to the above when located on the same lot.

C. Lot and Building Dimension Requirements.

- (1) Minimum Dwelling Size. 1,800 square feet.
- (2) Street Frontage. Seventy (70) feet minimum at the building setback line.
- (3) Building Setback Line. Fifteen (15) feet from the curb.
- (4) Side Yards. Two in number; width: ten (10) feet for an interior lot; twenty (20) feet on a corner lot.
- (5) Rear Yard. Twenty-five (25) feet minimum.
- (6) Maximum Lot Coverage. Thirty (30%) percent.
- (7) Building height. Thirty-five (35) feet maximum.
- (8) Off-street parking (See Article XVI).

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**ARTICLE VIII - R-2, Medium Density Residential**

**§ 120-42. District Provisions.**

A. Purpose.

The purpose of this Part is to provide for the development of certain areas of the Borough into residential neighborhoods permitting a variety of housing types. However the R-2 districts limit exiting or proposed buildings to 3 or less units.

B. Uses Permitted by Right. Land and buildings in an R-2 District shall be used for the following purposes:

- (1) Single-family detached dwellings.
- (2) Single-family semidetached dwellings.
- (3) Two family detached dwellings.
- (4) Single-family attached dwellings.
- (5) Age-restricted housing.
- (6) Communications antennas.
- (7) Municipal buildings, public libraries, and or museums.
- (8) Public infrastructure and emergency service facilities.
- (9) Public or private primary and secondary schools.
- (10) Public or private park, playground or municipal recreation area.
- (11) Places of worship

- (12) Signs (See Article XVII)
- (13) All uses similar to the above and not prohibited by law.
- (14) Accessory buildings and uses customarily incidental to the above when located on the same lot.

C. Uses Permitted by Special Exception. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- (1) Single Professional offices. (In accordance with Article III, §120-11.K)
- (2) Medical and dental offices with a maximum office size of 3,000 square feet. (In accordance with Article III, §120-11.K)
- (3) Clubs and or lodges. (In accordance with Article III, §120-11.H)
- (4) Mobile home parks. (In accordance with Article III, §120-11.G)
- (5) Bed and breakfast. (In accordance with Article III, §120-11.R)

D. Lot and Building Dimension Requirements.

- (1) Minimum Dwelling Unit Size. 1,000 square feet
- (2) Street Frontage.
  - (a) Single-Family Detached Dwelling. Fifty (50) feet.
  - (b) Single-Family Semidetached Dwelling. Thirty (30) feet.
  - (c) Two-Family detached. Fifty (50) feet.
  - (d) Single-Family Attached. Thirty (30) feet.
- (3) Building Setback Line. Fifteen (15) feet from the curb.
- (4) Side Yards. 10 feet between principal residential buildings for interior lots; on a corner lot the side yard abutting the street shall be not less than 20 feet in width.
- (5) Rear Yard. Twenty-five (25) feet minimum.
- (6) Maximum Lot Coverage. Fifty (50) percent.
- (7) Minimum Lot Size for a Mobile Home Park. Five (5) Acres.
- (8) Building Height. Forty (40) feet maximum. The height of a dwelling shall not be less than two stories.
- (9) Parking (See Article XVI)
- (10) Regulations applicable in all Districts – Article III.

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## ARTICLE IX - R-3, Traditional Neighborhood District

### § 120-43. District provisions.

#### A. Intent.

The intent of the Traditional Neighborhood District is to create a design framework for new or infill residential development that generally includes a interconnected network of streets and blocks, a clear neighborhood center, a mix of uses and housing types, a compact form of pedestrian-oriented design with an emphasis on quality civic or green spaces.

#### B. Purpose.

The purpose of the Traditional Neighborhood District is to create residential zoning classification that encourages a pattern of neighborhood development that was commonly built in Steelton in the early 1900's. These neighborhoods are characterized by a diversity of housing types integrated with pathways to schools, parks, civic spaces and commercial uses. This traditional pattern is based on a pedestrian environment that is more people-friendly than auto-oriented and incorporates attractive streetscapes. Parks and small green spaces are amenities throughout the district that are accessible by pedestrian and bicycle transportation.

This zoning district includes both design standards (mandatory elements of a traditional neighborhood) and design guidelines (desired elements of a traditional neighborhood which may vary depending on the individual development). Design standards are part of requirements of the district, which design guidelines are recommended techniques for achieving the standards and are advisory.

#### C. Permitted Uses.

(1) All types of residential uses up to three (3) multi-family and mixed uses.

(2) Civic Uses including:

- (a) pool
- (b) schools
- (c) senior center
- (d) youth center
- (e) places of worship
- (f) non-commercial recreation

(3) Commercial Uses including:

- (a) Commercial child or adult daycare centers
- (b) Personal services
- (c) Professional, business or administrative offices

- (d) Fitness center
  - (e) Music/art/cultural studios
  - (f) Bed and Breakfast establishments
  - (g) Eating establishments excluding taverns and drive-through establishments
  - (h) Daycare, child or adult
  - (i) Retail including grocery stores, pharmacies, bakery, book stores, gift shops, news stands, specialty food stores, florists, art galleries, studios and shops of artists.
- (4) Open Space Uses
- (a) Central greens or common spaces
  - (b) Neighborhood parks
- (5) Other Uses
- (a) communications antennas
  - (b) police and or fire stations
  - (c) municipal infrastructure or facilities
  - (d) group homes
  - (e) All uses similar to the above and not prohibited by law.
  - (f) Accessory buildings and uses customarily incidental to the above when located on the same lot.

D. Special Exception Uses.

- (1) Multi-family containing 4 or more units/structure subject to the requirements of this District except as herein modified and provided:
  - (a) Lot Area – 1 acre
  - (b) Consideration shall be given to traffic problems. If the nature of the multi-family development is such that it will generate a high volume of vehicular traffic then access should be via an appropriate arterial or collector street.
  - (c) Compliance with §120-43 E. Lot Dimension Requirements set forth hereafter.

E. Lot Dimension Requirements.

**Table 1 – Lot Dimension Requirements**

	<b>Single-family detached Two family detached</b>	<b>Townhouse or Triple</b>	<b>Multi-family structure above 4 units.</b>
Lot coverage	70%	70%	80%
Minimum street frontage	30 feet	30 feet/unit	20 feet/unit
Maximum units per structure	1 and 2 respectively	TH - 6 units Triple - 3 units	10 units
Garages: Front loaded garages Rear garages	15-20 feet from curb Constructed at property line*		
Building Separation Distance	10 feet	10	10
Rear Yard	20 feet	20 feet	30 feet
Building Height	36 feet	45 feet	45 feet
Driveway Width	12 feet	12 feet	Screened parking lot required
Garage or accessory structure height	15 feet	15 feet	15 feet
Garage or accessory structure max. area	500 square feet	500 square feet	500 square feet
Accessory structures distance from rear property line	5 feet	5 feet	10 feet

\* Rear/Alley residential garages can not be constructed over dry or wet easement areas.

F. Traditional Neighborhood Principles.

Although each neighborhood of Steelton has its own differences, there are a number of basic, fundamental principles found in traditional neighborhood designs. These principles can be summarized with respect to:

Land Use

Streets

Streetscape

Architecture and Design

- (1) Land Use – Residential use is the basic building block of this zone. A diversity of residential types, styles, and densities can exist. A diversity of housing types per block gives neighborhood homeowners the opportunity to move to different types of housing

within the same neighborhood depending on their state in life, such as young couples moving to homes with yards for children. These options support a wider range of housing prices thus increasing the supply of dwellings available to households of modest means. The compact, walkable nature of traditional neighborhood is supported by the opportunity of its residents to have non-vehicular access to neighborhood services, facilities, and outdoor spaces. A wide range of parks and small green spaces are requirements of a traditional neighborhood to establish the identity and focus for each individual neighborhood.

- (2) Streets – The street system of a traditional neighborhood are an integral part of a design process and are the key element in maintaining or creating a neighborhood. Streets must encourage alternative modes of transportation including automobile, pedestrian, transit, bicycle. Must have a high level of connectivity to adjacent and neighboring street systems either existing or proposed. Numerous ingress, egress and internal circulation are required. Safety, utilities, street network and level of service identifying street classification must be addressed. In Steelton there are three types of streets existing or potentially proposed in designated traditional neighborhood districts: Main Streets, Neighborhood Streets and Alleys. Adequate sight triangles at all intersections shall be designed.
- (a) Main Streets – The Main Street provides access to higher density residential and commercial and mixed uses. Alleys are required. Most often this type of street will contain utility infrastructure that serves the greater demands of the commercial uses as well as mixed residential uses. Main Streets must retain a 42' foot minimum cartway width (curb to curb) to which on-street parking is expected. Street lighting and tree installation are required and should be consistent with the Steelton Streetscape design guidelines.
- (b) Neighborhood Streets – A Neighborhood Street will serve residential land uses, ranging from single family to multi-family residential dwelling unit types. Neighborhood Streets must retain a 32' street cartway width (curb to curb) to which on-street parking is expected. A minimum of 66 feet is required between building faces on opposite sides of the street. This 66' includes (on both sides of the street) a 5' foot easement for dry utilities; 5' sidewalk; 7' tree lawn and fire hydrant and lighting area; and the 32' street cartway. Street lighting and tree installation are required and should be consistent with the Steelton Streetscape design guidelines. The utility easement is not required if dry utilities are located in an Alley. Water and wastewater infrastructure can be located within the 32' street cartway width or located in Alleys.
- (c) Alleys – Shall provide access to rear parking, residential parking lots and garages, service and delivery vehicles. Dead-end alleys are prohibited. There shall be a minimum of thirty (30) feet of distance between building faces on opposite sides of the alley. Dry utilities, large telecommunication vaults and electric meters should be located in alleys. Alleys must retain a 16' cartway plus must maintain an unobstructed 6' utility easement on both sides of any alley. Alleys should be no greater than 400' in length. Utilities are not restricted to the required alley length. All alleys shall be paved. Landscaping materials shall be limited to groundcovers, shrubs, annuals and perennial plants and flowers.
- (3) Streetscape – The streetscape is defined as that area that lies between the street curb and the front façade of the adjacent buildings. The combination of the adjacent land uses, with the public and semi-public spaces of the streetscape, are what make the street a dynamic and inviting space to the pedestrian. The streetscape design will address the following:

- (a) The proportional relationship between the street width and the building height
  - (b) The building-to lines and the structures that define this line
  - (c) The semi-public space
  - (d) The public realm
  - (e) The tree lawn improvements
  - (f) Street furniture
  - (g) Off-street parking
  - (h) Garage placement
  - (i) Streetscape Design Standards:
    - [1] The build-to line shall be designated on the development plan. Each building's primary façade shall be set on the build-to line. Up 50% of the structures may vary up to 20% from the build-to line. Corner lots shall have 2 build-to lines.
    - [2] The build-to line on a Neighborhood Street shall be between 12 and 20 feet from the designated edge of the street cartway. Main Street shall be between 15 and 20 feet.
    - [3] Sidewalks shall have 2 access ramps per corner.
    - [4] Sidewalks shall be a minimum of 5 feet in width.
    - [5] Tree lawns shall be a minimum of 7 feet.
    - [6] Street trees shall be planted along all streets at a maximum distance of 30 feet on center.
    - [7] Street trees at intersections shall not be planted closer than 25 feet from the corner.
    - [8] Unenclosed balconies are permitted with a minimum of 10 feet of clearance above grade and shall be permitted to extend up to 6 feet over the sidewalk. All such balconies should have solid floors with no openings to the sidewalk below.
  - (j) Streetscape Design Guidelines:
    - [1] A consistent treatment of tree lawns is required throughout a traditional neighborhood development.
    - [2] Street furniture shall be incorporated into the development plan including benches, trash receptacles, street lighting.
    - [3] Transit should be incorporated into the development plan including signage and shelters.
    - [4] Street trees should be maintained to provide 14 feet of vertical clearance above driving lanes and 8 feet above sidewalks.
- (4) Architecture and Design - Building design must be architecturally distinctive, enhancing to the streetscape and must create definitive character for its neighborhood. Elements such as front porches, rear-loaded garages, front door stoops, and pedestrian scale wooden picket style fencing must be incorporated into each housing plan. The following architecture and design standards are required:
- (a) Existing streets within a traditional neighborhood zone are classified as Neighborhood streets.

- (b) Public and private lighting systems
- (c) Shielded light fixtures in parking lots
- (d) Ornamental light fixtures in private yards and in public spaces
  - [1] Must be 12 to 16 feet maximum height in parking lots and 12 feet in pedestrian areas.
  - [2] All residential units shall have a first floor front elevation, including porch, no less than eighteen inches above finished sidewalk grade.
- (e) Front porches shall be included for all one and two family homes. Front porches shall have a minimum depth of 5 feet and shall have a minimum area of 50 square feet. A second story area above a first story porch that encroaches into a build-to zone may be constructed as a balcony, but shall not be roofed or enclosed, except with a porch railing or porch wall. Porch walls may be opaque and porch railings shall not exceed 42 inches in height. One story porches shall be allowed to encroach into the build-to zone, but shall not be allowed into the public right of way or a dedicated easement.
- (f) As an incentive for incorporating porches into the development plan, up to 50 square feet of the porch area shall be excluded from calculations to measure lot coverage.
- (g) All residential units shall have at least one entrance oriented towards the front build-to line. A building front entrance may not front on an alley.
- (h) Front porches shall be open on the streetside and any enclosures on the sides above any porch wall shall be transparent.
- (i) Front loaded or rear garages shall not exceed a capacity of 2 vehicles.
- (j) Front loaded garages shall be set back a minimum of 10 feet from the front façade of the principal structure or required minimum front façade or build-to line.
- (k) Accessory structures shall not be subdivided from the principal residence property and must remain a part of the lot in which they were created.
- (l) Accessory dwelling units shall not be permitted.
- (m) Where shared parking is used, the parking requirements for those uses may be reduced by 20%.
- (n) No fence greater than 42 inches in height shall be allowed in the front build-to zone.
- (o) If neighborhood signage is proposed, the signage shall emphasize a uniform design theme and be oriented to pedestrians. They shall share a common style in terms of size, and or materials.
- (p) Trash enclosures shall be located at the rear of the lot.
- (q) General Architecture and Design Guidelines:
  - [1] A variety of lot sizes for the entire neighborhood and individual blocks.
  - [2] The principal building on lots devoted to single family detached residences should be setback no less than 25 feet from the rear lot line.
  - [3] No two identical building elevations should be placed next to each other.

- [4] The number of homes in the traditional neighborhood with front-loaded garages should not exceed 20% of the block.
- [5] Ornamental or decorative light posts are recommended for free standing lights.
- [6] Opaque fences should not be placed in the front build-to zone or along alleys.
- [7] Double frontage lots are prohibited.
- [8] Not more than 2 driveways may be located contiguous to each other. A landscape buffer of 10 feet wide must separate a group of 2 contiguous driveways from the next driveway or group of 2 driveways on the same side of the street.
- [9] Open space requirements shall meet the following:
  - a) 10% for existing street blocks
  - b) 30% for a proposed traditional neighborhood development or redevelopment plans.
  - c) Multi-family, Mixed Use or Non-Residential Use Regulations.
    - i. Mixed, Multi-family and or Non-residential uses shall be located on Main Streets within a traditional neighborhood. Taller buildings should be located closer to the center of a newly designed Main Street.
    - ii. Building fronts and main entrances shall orient to the Main Street. They should have an entry from the sidewalk on each street frontage.
    - iii. Buildings shall be designed with consistency to the scale and design features to the surrounding buildings, showing respect for the local context.
    - iv. The design of all building shall avoid large or massive structures (example: buildings without windows, pronounced front entranceways, solid wall structures). Building design shall give particular attention to window style, front entryway design, up-lighting, trim and transom design, and articulated surfaces.
    - v. Single use commercial and or civic buildings, excluding schools, greater than 30,000 square feet of area should be located along a Main Street within a traditional neighborhood.
    - vi. The architectural features, materials and the articulation of a façade shall be continued on all sides visible from a public street, excluding alleys.
    - vii. Building entrances shall be clearly defined and emphasized. Such features such as awnings, recessed door openings, columns and pilasters, fanlights and sidelights, porches and other similar architectural elements.
    - viii. First floor street frontage of any new parking structures, excluding alleys, shall be dedicated to commercial civic or office use.
    - ix. Upper stories of parking structures fronting onto streets should be articulated to avoid blank walls. This may be achieved through the use of such elements as changes in surface texture, addition of architectural features and stepping back upper floors.
    - x. The front of the building should have the greatest articulation.
    - xi. For commercial space, a minimum of 50% of the area of the front façade on the ground floor shall be transparent,

- consisting of office or display windows, door openings both allowing views into and out of the interior.
- xii. If a Neighborhood Center or a multi-family development is proposed within a traditional neighborhood, on-street parking can be counted towards meeting the minimum parking requirements.
- xiii. Lighting fixtures attached to non-residential or multi-family shall be fully shielded from other uses.
- xiv. All outdoor mechanical equipment, such as heating and ventilation systems, must be placed on the roof, in the rear or side of a building, and otherwise be visually screened from any street. Mechanical equipment along street frontage(s) shall be screened. Mechanical equipment on a roof shall be screened with a parapet wall or other type of visual screening walls.
- xv. All buildings must maintain the build-to line zone.
- xvi. With any mixed-use, all signs shall be wall or projecting signs. Projecting signs shall be affixed and sized in accordance with Article XVII.
- xvii. All on-site parking shall be located in the rear or side of buildings.
- xviii. All parking lots shall be screened from the street by a wall and/or landscaping achieving a minimum of 36 inches in height.
- xix. Parking lots shall not abut street intersections, excluding alleys.
- xx. The provision of on-site parking lots shall not exceed the minimum parking requirements.
- xxi. All new buildings must maintain and repeat similar cornice lines of adjacent buildings.
- xxii. All new buildings must echo architectural styles and details, design themes, building material and colors used in surrounding buildings.

d) Parking Standards

**Table 2 - Parking Standards**

Use	Minimum
Single family detached	2 spaces (on-street or on-site)
Single Family attached (townhouse)	2 spaces (on-street or on-site)
Multi-family units (triple, apartments, multiplexes)	1 off-street space per dwelling unit
Non residential and or civic uses	1 space per 300 square feet of gross useable floor area

- i. Any uses not included in the above table shall follow the parking requirements stated elsewhere in this Ordinance.
- ii. Commercial and retail uses may count on-street parking located within 150 feet of the use. Once on-street parking is counted for a use it may not be counted again for another use.

- iii. Off-street parking shall be located at mid-block parking facilities located to the rear of any principal use.
- iv. Parking is prohibited in Alleys except in garages and driveways and constructed parking lots.

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## **ARTICLE X - C-1, Town Center District**

### **§ 120-44. District Provisions.**

#### **A. Purpose.**

The Town Center District is considered to be Steelton's business and activity center providing a wide range of retail, commercial, entertainment, and community activities. This area shall be known as a diversified, multipurpose, people-oriented center. Retail stores, services, offices and public activities in this district will serve residents, visitors and area businesses. Upper floor apartments and other forms of housing will complement commerce and ensure a twenty-four (24) hour presence in the downtown.

#### **B. Uses Permitted.**

- (1) Banks and financial institutions, excluding establishments with drive-thru facilities.
- (2) Retail establishment, excluding establishments with gas pumps or drive-thru facilities
- (3) Food supermarket/ Grocery Store
- (4) Hotels or Motels in accordance with 120.11.L.
- (5) Chamber of Commerce or tourism office
- (6) Cultural center/auditorium.
- (7) Fitness center
- (8) Library
- (9) Shopping center
- (10) Photocopying centers and other business services
- (11) Business schools
- (12) Museum, auditorium, historical/interpretive facility, or other tourist attractions.
- (13) Restaurants, excluding drive through establishments
- (14) Tavern
- (15) Florist
- (16) Amusement arcade
- (17) Movie Theater

- E. Lot Area Regulations. There is no lot area requirement. Lot area shall be determined on the basis of each development meeting yard and coverage requirements contained in this Part and Chapter.
- F. Yard Regulations. Each lot shall have front, side and rear yards of not less than the depth or width indicated below:
  - (1) Front yard. A Build-To line shall be designated for the entire Town Center District and shall be located on all development plans. Each building's primary façade shall be set on the build-to line. In certain cases, the developer may construct a building up to five (5') feet from the build-to line. Corner lots shall have 2 build-to lines. The Build-To line on Front Street shall be fifteen (15') feet from the curb edge.
  - (2) Side yards – a ten foot (10') separation distance between principal buildings is required, unless a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side.
  - (3) Rear yard -depth, thirty feet (30').
- G. Coverage Regulations.
  - (1) The coverage shall be no more than ninety-five percent (95%).
  - (2) At least five percent (5%) of the lot area shall be landscaped. A landscaping plan shall be submitted with all new land development plans.
- H. Off-Street Parking/Access. On site parking is not required within the Town Center District. If on-site parking is not provided, customer and employee parking shall be provided by the developer in an off site location either in a new or pre-existing public or private parking lot or structure. A Pedestrian and vehicle access plan to such parking lot or structure shall be provided to the Borough including: walkway, lighting, and landscaping specifications. Parking shall not be permitted in a Front Yard.
- I. Streetscape Requirements. Each property owner or development company shall be responsible for the installation of the required streetscape enhancement requirements (see Main Street Streetscape).
- J. Building Façade Requirements. Each property owner or development company shall be responsible for following the façade guidelines (See Steelton Main Street Façade Guidelines).

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## **ARTICLE XI - C-2, Secondary Commercial District**

### **§ 120-45. District Provisions.**

- A. Purpose. The purpose of this Part is to strengthen the role of Steelton's commercial area, adjacent to the C-1 Town Center District. This district was created to permit land uses that support or complement C-1 uses and activities.
- B. Uses Permitted by Right. Land and buildings in the C-2 shall be used for the following purposes only:
  - (1) Uses permitted by right in the C-1 District.
  - (2) Financial institutions, including establishments with drive-thru facilities.

- (18) Municipal buildings and uses, and firehouses.
  - (19) Medical Centers
  - (20) Professional and personal service businesses, and general service business including repair shops and funeral homes
  - (21) Parking lots or structures, provided its location does not abut Front Street
  - (22) Business identification signs
  - (23) Mixed Use Buildings containing residential uses within a multi-story building. Residential uses must be located on second or higher stories of a building provided that:
    - (a) Such first floor business, uses, operations, or products shall not be objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.
    - (b) There shall be no manufacturing, compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and when all such products are sold at retail on the premises.
    - (c) There is a separate entrance for all residential tenants. If located on Front Street, at least one residential entrance shall face Front Street (see Steelton Front (Main) Street and Second Street Design Guidelines for Façade and Street Scape Improvements, Resolution R-2006-53).
    - (d) Illuminated business signs shall not emit light into residential units.
    - (e) Designated on or off-site parking spaces are provided.
  - (24) Public uses and activities.
  - (25) All uses similar to the above and not prohibited by law.
  - (26) Accessory uses and buildings customarily incidental to the above permitted uses.
- C. Special Exceptions. The following uses shall be permitted when authorized as a special exception:
- (1) Private clubs and lodges according to the standards set forth in Article III, §120-11, H.
  - (2) Communications Antenna subject to the provisions of Article III, §120-11, U.
  - (3) Hotels or motels. See Article III, §120-11, L.
- D. Height Regulations.
- (1) The height of a building shall be no greater than forty-eight feet (48').
  - (2) The height of any building shall be no less than thirty (30') feet.
  - (3) The height of an accessory building shall not exceed fifteen (15) feet and shall be located to the rear of any principal building.

- (3) Municipal or government buildings and uses.
- (4) Apartments.
- (5) Uses permitted in Traditional Neighborhood District (R-3). All proposed R-3 uses located on a tract of land fifteen (15) acres or more are subject to the regulations contained in the R-3 District.
- (6) Bed and breakfast.
- (7) Convenience store with gas pumps.
- (8) Day care center, child.
- (9) Emergency services station.
- (10) Parking lot/deck.
- (11) Emergency services station.
- (12) Indoor recreation center.
- (13) Automobile repair/servicing businesses
- (14) Automobile sales businesses.
- (15) Automobile and mobile home sales garage, automobile sales lot, automobile service station, car wash, drive-in.
- (16) Bowling alleys and other places of public amusement conducted entirely within a building.
- (17) Launderette.
- (18) Florists or nurseries provided that all incidental equipment and supplies, including fertilizers and empty cans, are kept within a building.
- (19) Club or lodge
- (20) Railway or bus passenger stations
- (21) Mail delivery service businesses
- (22) Professional offices, personal services, healthcare offices
- (23) Mortuary and undertaking businesses
- (24) Utilities and infrastructure
- (25) All uses similar to the above and not prohibited by law.
- (26) Accessory uses and uses customarily incidental to the above uses.

C. Uses Permitted by Special Exception. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- (1) Conversion apartments subject to the requirements of this District except as herein modified and provided:
  - (a) A single family dwelling unit may be converted by allowing the incorporation of one (1) additional dwelling unit. For the purpose of this Section, the term incorporation shall mean completely within an existing building.
  - (b) The dwelling in question shall be owner occupied during the duration of the conversion.
  - (c) The additional dwelling unit shall contain at least four hundred (400) square feet of floor area. The minimum floor area of the additional dwelling unit shall not be more than thirty (30%) percent of the total habitable floor area of the structure.
  - (d) Prior to the issuance of the zoning permit, a certificate in the form of an affidavit to verify that the owner is in residence shall be supplied.
  - (e) For sewage disposal, water supply and all the utilities, the conversion area shall be physically connected to those systems serving the principal dwelling. No separate utility systems or conversions shall be constructed or used. All connections shall meet the applicable utility company and Borough standards.
  - (f) A minimum of one (1) all weather, off street parking space with an unrestricted ingress and egress to the dedicated street shall be provided in addition to that required for the principal dwelling.
- (2) Group care or elderly housing, subject to the requirements of this District except as herein modified and provided:
  - (a) All applicants must provide proof of all approved documentation required by the Commonwealth of Pennsylvania prior to the time of request for a special exception.
  - (b) The use shall meet all requirements of licensing or certification by the Department of Public Welfare and the Department of Labor and Industry.
  - (c) The zoning officer shall have the authority to continue the special exception as long as proof of annual licensing, certifications, and recertifications are provided to the Borough when such documentation is received by the provider.
  - (d) At least one (1) off-street parking space for each person employed plus one (1) off-street space for each four (4) residents to be served by the facility shall be provided. A minimum of five hundred (500) square feet of off-street parking shall be provided.
- (3) Tourist, rooming or boarding houses are subject to the criteria of this District plus the following criteria:
  - (a) The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used.
  - (b) No modifications to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.
  - (c) All floors above grade shall have a permanently affixed direct means of escape to ground level.

- (d) One (1) off-street parking space shall be provided for each room available for rent, in addition to those required for the dwelling unit.
- (e) All parking areas shall be set back a minimum of twenty-five (25) feet from all property lines.
- (f) One (1) business identification sign, not to exceed six (6) square feet, shall be permitted.
- (g) The applicant shall furnish evidence of approvals granted by the PA Department of Labor and Industry.

D. Commercial Business Requirements:

Any commercial businesses shall be permitted only under the following conditions:

- (1) Such businesses shall be conducted within an enclosed building.
- (2) Such businesses shall conduct operations or manufacture products that produce objectionable odor, dust, smoke, noise, vibration or other causes.

E. Height Requirements.

- (1) The height of a building shall be no greater than forty-eight feet (48').
- (2) The height of any building shall be no less than twenty-four (24') feet.
- (3) The height of an accessory building shall not exceed fifteen (15) feet and shall be located to the rear of any principal building.

F. Lot Area Requirements. There is no lot area requirement. Lot area shall be determined on the basis of each development meeting yard and coverage requirements contained in this Part and Chapter.

G. Yard Regulations

- (1) Front yard. A Build-To line shall be designated for the entire C-2 District and shall be located on all development plans. Each building's primary façade shall be set on the build-to line. In certain cases, the developer may construct a building up to five (5') feet from the build-to line. Corner lots shall have 2 build-to lines. When located within the Main Street District (Gibson to Mohn Street on Front Street), the Build-To line shall be fifteen (15') feet from the curb edge. If located outside the Main Street District, the Build-To line shall be the average building line of adjacent buildings.
- (2) Side yards – If located within the Main Street District, a ten foot (10') separation distance between principal buildings is required, unless a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side. Outside the Main Street District, ten foot (10') side yards are required.
- (3) Rear yard -depth, twenty feet (20').
- (4) Buffer yards (see Article III)

H. Coverage Regulations. Maximum Lot Coverage is ninety (90) percent.

- I. **Off-Street Parking/Access.** On-site parking is required within the C-2 Secondary Commercial District. On-site parking spaces shall be located on side or rear yard areas of the lot. Parking shall not be permitted in a Front Yard. However; a developer or property owner may count customer and employee parking spaces in an off-site location either in a new or pre-existing public or private parking lot or structure so long as a written shared parking agreement is prepared. Off-site parking can be located no greater than 600 feet from the principal structure. A pedestrian and vehicle access plan to such parking lot or structure shall be provided to the Borough including: walkway, lighting, and landscaping specifications.
- J. **Streetscape Requirements.** If located within the Main Street District, each property owner or development company shall be responsible for the installation of the required streetscape enhancement requirements (see Main Street Streetscape).
- K. **Building Façade Requirements.** If located within the Main Street District, each property owner or development company shall be responsible for following the façade guidelines (See Steelton Main Street Façade Guidelines).

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## **ARTICLE XII - I-1, Industrial – Light Industrial District**

### **§ 120-46. District Provisions.**

#### **A. Purpose.**

The I-1 Industrial District shall provide land for those industrial uses that have minimal environmental, public, and transportation impacts. Regulations for I-1 were designed to minimize incompatibility between adjacent zoning districts or uses.

#### **B. Uses Permitted by Right.** Land and buildings in the I-1 shall be used for the following purposes only:

- (1) Timber processing and sale thereof
- (2) Furniture and wood making manufacturing
- (3) Warehousing, wholesale, distribution, parcel delivery and service businesses and facilities
- (4) Storage yards for lumber, retail and wholesale products
- (5) Laundry and cleaning plants for clothing and carpet
- (6) Public utility and communications buildings and structures, transformer stations, pump stations, electric service, and service buildings and yards.
- (7) Construction contractor, including equipment storage, sales and service.
- (8) Manufacturing of pharmaceuticals, newspapers, printing and publishing, confections, clothing, electrical goods, professional and scientific instruments, handicraft products, electronic and small parts assembly and/or manufacture and other uses.
- (9) Indoor recreation facilities for racing, sports, ice skating, arcade, roller skating/blading, soccer, baseball, softball, lacrosse, hockey. These facilities can also host area-wide events.

- (10) Wireless Communications Tower and or Antennas.
  - (11) All uses similar to the above and not prohibited by law.
  - (12) Customary accessory uses and buildings' incidental to any of the above permitted uses, including signs as specified in Article XVII.
- C. Uses Permitted by Special Exception. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:
- (1) Hotel and motel in accordance with §120.11, L. Hotel and Motel.
- D. Height Requirements.
- (1) The height of a building shall be no greater than forty-eight feet (48').
  - (2) The height of an accessory building shall not exceed fifteen feet (15') and shall be located to the rear or side of any principal building.
- E. Lot Area Requirements. There is no lot area requirement. Lot area shall be determined on the basis of each development meeting yard and coverage requirements contained in this Part and Chapter.
- F. Yard Regulations.
- (1) Front yard. Thirty feet (30') unless when a vacant lot is situated between two lots each occupied by a principal building which building extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of the such two adjacent occupied lots. Accessory structures shall not be permitted in the front yard.
  - (2) Side yards. 10 feet
  - (3) Rear yard. 60 feet
  - (4) Buffer yards shall be provided if development abuts a residential property, in accordance with the provisions of Article III.
- G. Coverage Regulations. Maximum Lot Coverage is sixty percent (60%).
- H. Vegetative Coverage. Minimum vegetative coverage is 10 percent (10%).
- I. Off-Street Parking/Access. Parking shall be in accordance with Article 16.

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## **ARTICLE XIII - I-2, Industrial – Heavy Industrial District**

### **§ 120-47. District Provisions.**

A. Purpose.

An industrial district was created to promote those land uses involved in the processing, manufacturing, handling, and transportation of goods and products. All property and or business owners within the I-2 District shall be held accountable to meeting all federal and state regulatory requirements as they relate to environmental, air, and water quality.

B. Uses Permitted by Right. Land and buildings in the I-2 shall be used for the following purposes only:

- (1) Automobile service stations, trailer coach sales, service garages, automobile assembly, auto body shops, painting, upholstery reconditioning, vehicle repair or overhauling, tire re-treading or recapping, welding shops and the like.
- (2) Brick, pottery, tile or terracotta manufacturing.
- (3) Building materials storage, lumberyards, and lumber mills.
- (4) Blacksmith and machine shops, drop hammers and automatic screw machines.
- (5) Carpenter, cabinet making, furniture repair and upholstery, electrician, metal working, tinsmith, plumbing and gas, steam or hot water fitting shops.
- (6) Contractor's equipment, sales, service storage.
- (7) Mixing plants for concrete and asphalt.
- (8) Cleaning, dyeing and steam laundry.
- (9) Freight terminal and freight yards.
- (10) Metal fabrication, forging and boiler works.
- (11) Grain elevators and bulk storage of grain and similar products.
- (12) Railroad yards, repair shops, roundhouses and truck terminals.
- (13) Laboratories and lithographing.
- (14) Laundries for dry cleaning clothes and carpets.
- (15) Distribution plants, parcel delivery and service industries.
- (16) Manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical and food products.
- (17) Manufacturing, compounding, processing or treatment of articles or merchandise from the following previously prepared materials; bone, cellophane, canvas, cloth, cork, feathers, felt, film, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yarns and paint.
- (18) Manufacturing of pottery and figurines or other similar ceramic products, using only clay, and kilns fired only by electricity or gas.
- (19) Lime kilns, flour mills, manufacture or processing of cement.
- (20) Printing and newspaper publishing.
- (21) Electrical, optical and textile manufacturing.
- (22) Mining and quarrying, including rock crushing, grinding, polishing or cutting.

- (23) Business identification, billboards and signs when erected and maintained in accordance with the provisions of Article XVII of this Chapter.
- (24) All uses similar to the above and not otherwise prohibited by law.
- (25) Accessory buildings and uses customarily incidental to the above uses. However, no building, structure or portion thereof shall be hereafter erected, structurally altered or converted for any use permitted in any residential district except accessory buildings which are incidental to the use of the land.

C. Uses Permitted by Special Exception. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:

- (1) Gas (illuminating or heating) manufacture and bulk storage of petroleum and similar products may be permitted in this District subject to the requirements of the District as modified herein:
  - (a) Heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emissions.
    - [1] Every use shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the use is located.
  - (b) Outdoor storage and waste disposal.
    - [1] No material or waste shall be deposited upon a site in such form or manner that they may be transferred offsite by natural causes or forces.
    - [2] All materials or waste which might cause fumes or dust or which constitute a fire hazard which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.
    - [3] The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with all local, state and federal distance and other safety requirements applicable to the types of storage stated in this subsection.
  - (c) The proposed facility shall comply with all applicable federal and state air, waste quality, environmental and regulatory permits and requirements including but not limited to the permits and approvals listed below. Approval would be contingent on the granting of the required permits and approvals.
    - [1] NPDES Water Quality and Earth Disturbance Permits.
    - [2] §404 of the Clean Water Act.
    - [3] Chapter 105 Encroachment Permit.
    - [4] Water Consumptive Permit from Susquehanna River Basin Commission.
    - [5] Water allocations/withdrawal permit from Pennsylvania Department of Environmental Protection.
    - [6] Air quality permits.
    - [7] Public Utility Commission approvals.
  - (d) Landscape Requirements.
    - [1] The landscape provisions in this Chapter are intended to encourage development of an attractive working environment for development, to buffer objectionable views, to provide year round landscape and to provide for the mitigation of environmental impacts.
    - [2] Suitable planting and landscaping shall be provided in areas required as setback under the provisions of this Chapter.

- [3] Landscaping is not required for side and rear property lines behind the front building setback lines for property abutting other industrial zoned property.
  - [4] Parking shall not be permitted in the landscape setback abutting any street.
  - [5] Emergency plan of access – a written plan of access must be provided by the owner in the event of emergency conditions such as fire, assuming the worse condition. The owner's plan of action for emergency access to the building shall be submitted to the Borough, County, and the Emergency Management Coordinator at the time of submission for a building permit.
- (2) Electric and telephone public utility transmission and distribution facilities, including substations, water pumping stations reservoirs. Electric power stations, electric and telephone public utility transmission facilities. Such facilities are subject to the criteria set forth in §120-47, C. (1) above.
  - (3) Manufacture, processing, or storage of explosives, paint, petroleum or gasoline. Such facilities are subject to the criteria set forth in §120-47, C. (1) above.
  - (4) Foundries, steel mills, manufacture or processing of rubber products and plastics. Such facilities are subject to the criteria set forth in §120-47, C. (1) above.
- D. Height Requirements.
- (1) The height of a building shall be no greater than thirty-five feet (35').
  - (2) The height of an accessory building shall not exceed fifteen (15) feet and shall be located to the rear of any principal building.
- E. Lot Area Requirements. There is no lot area requirement. Lot area shall be determined on the basis of each development meeting yard and coverage requirements contained in this Part and Chapter.
- F. Yard Regulations.
- (1) Front yard. Thirty feet (30') unless when a vacant lot is situated between two lots each occupied by a principal building which building extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of the such two adjacent occupied lots. Accessory structures shall not be permitted in the front yard.
  - (2) Side yards. 10 feet
  - (3) Rear yard. 60 feet
  - (4) Buffer yards shall be provided if development abuts a residential property, in accordance with the provisions of Article III.
- G. Coverage Regulations. Maximum Lot Coverage is sixty percent (60%). At least 10% of the lot area shall be covered with vegetative material.
- H. Vegetative Coverage. Minimum vegetative coverage is 10 percent (10%).
- I. Off-Street Parking/Access. Parking shall be in accordance with Article XVI.

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## **ARTICLE XIV - RR, Riverfront Revitalization Overlay, GD, Greenway Development Overlay**

**§ 120-48. District Provisions. Applicability.** The FF and GD Districts are established to include and be an overlay upon the otherwise applicable zoning districts as delineated on the Borough Zoning Map. Said overlays and the applicable regulations and uses they provide shall be granted, if appropriate, upon application of the owner, as a conditional use allowed under the MPC, 53 P.S. § 10603(c)(2) which shall, if granted, supersede zoning regulations, including, but not limited to use, area, and other limitations applicable to the underlining district.

### **I. Riverfront Revitalization Overlay**

#### **A. Purpose.**

Land uses adjacent to the Susquehanna River in Steelton have been used for heavy industry for over a century. Steelton intends on revitalizing this severely damaged and underutilized land by creating an exciting destination point. This destination point requires land clean up, new roadways, infrastructure, and architectural and design planning, all situated or oriented towards the Susquehanna River.

#### **B. Uses Permitted by Right.** Land and buildings in the RR Overlay shall be used for the following purposes only:

- (1) Uses permitted in Town Center District (C-1)
- (2) Mixed uses including professional offices and or personal services mixed with residential living units on upper floors
- (3) Park and recreational trails
- (4) Professional office
- (5) Indoor commercial recreational facilities
- (6) Indoor entertainment or cultural centers, amphitheater, excluding adult entertainment
- (7) Retail businesses
- (8) Financial, insurance, medical, and dental practice offices
- (9) Boating facilities
- (10) Municipal offices
- (11) Utilities
- (12) Parking lots and structures
- (13) Restaurants and taverns
- (14) Outside amphitheater
- (15) Grocery store or food markets
- (16) All uses similar to the above and not prohibited by law.

- C. Uses Permitted by Special Exception. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:
- (1) Casino and resort businesses in accordance with any local, state, and federal statutes and regulations.
- D. Height Requirements.
- (1) The height of a building shall be no greater than forty-eight feet (48').
  - (2) The height of an accessory building shall not exceed fifteen (15) feet and shall be located to the rear of any principal building.
- E. Floodplain Regulations. All uses proposed within the RR Overlay are located within the 100-year floodplain zone. Each plan shall be reviewed in accordance with Article VI of this ordinance.
- G. Lot Area Regulations. While there is no specified minimum lot area requirement, lots must meet yard and coverage requirements contained in subsection "H" and "I" of this section.
- H. Yard Regulations. Each lot shall have front, side and rear yards of not less than the depth or width indicated below:
- (1) Front yard. A Build-To line shall be designated for the entire development proposed within the RR Overlay and shall be located on all development plans. Each building's primary façade shall be set on the build-to line. In certain cases, the developer may construct a building up to five (5') feet from the build-to line. Corner lots shall have 2 build-to lines. The Build-To line on a proposed or existing street shall be fifteen (15') feet from the curb edge.
  - (2) Side yards – a ten foot (10') separation distance between principal buildings is required, unless a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side.
  - (3) Rear yard -depth, thirty feet (30').
- I. Coverage Regulations.
- (1) The coverage shall be no more than eighty-five percent (85%).
  - (2) At least ten percent (10%) of the lot area shall be landscaped. A landscaping plan shall be submitted with all land development plans.
- J. Off-Street Parking/Access. On site parking is required for developments within the RR Overlay. However, resident or commercial parking can be provided by the developer in an off-site location either in a new or pre-existing public or private parking lot or structure. A Pedestrian and vehicle access plan to such parking lot or structure shall be provided to the Borough including: walkway, lighting, and landscaping specifications. Parking shall not be permitted in a Front Yard. Parking is permitted in enclosed or open garage units on the ground floor of residential units.
- K. Streetscape Requirements. Each property owner or development company shall be responsible for the installation of a consistent streetscape enhancement plan. The developer can choose to utilize Streetscape Enhancement Plan for Front Street or create a new streetscape plan. Any

new streetscape plan must be officially submitted to the Borough during the land development planning phase of a project and must include the following:

- (1) Five foot (5') sidewalks connecting all portions of a proposed development
- (2) Tree lawns
- (3) Ornamental lighting within tree lawn areas
- (4) Landscaped common spaces
- (5) Streetscape furniture (coordinating benches, trash receptacles, and street signs)

L. **Building Façade Requirements.** Each property owner or development company shall be responsible for constructing attractive building facades. The developer can choose to utilize the Steelton Main Street Façade Guidelines prepared for Front Street or prepare a new façade concept plan.

M. **Greenway Development Requirements.** Any property that abuts the Susquehanna River must develop their property in accordance with the regulations set forth in Greenway Development Overlay.

## II. **GD - Greenway Development Overlay**

A. Purpose.

Steelton intends on opening its riverfront property to the public through the creation of a new greenway trail along the Susquehanna River. Steelton residents as well as visitors and workers have never been able to view, walk or recreate near the river's edge. The development of a greenway built separately or in conjunction with future riverfront revitalization planning is vital to the preservation of Susquehanna River corridor.

B. **Uses Permitted by Right.** Land and buildings in the GD Overlay shall be used for the following purposes only:

- (1) Greenway/walking trail
- (2) Boating facilities
- (3) Riverfront clubhouse or service facility
- (4) Marina boating facilities
- (5) Park and recreational facilities
- (6) Riparian buffer installation or erosion control materials

C. **Height Regulations.** Buildings constructed in or near the GD Overlay shall be built in accordance with the following height regulations:

- (1) The height of a building shall be no greater than fifteen feet (15').
- (2) The height of an accessory building shall not exceed ten (10) feet and shall be located to the rear of any principal building.

- D. Floodplain Regulations. All uses proposed within the GD Overlay are located within the 100-year floodplain zone. Each plan shall be reviewed in accordance with Article VI of this ordinance.
- E. Greenway Regulations. Trail requirements are as follows:
- (1) Walking trail constructed from handicap accessible materials. Trail shall be 4' wide with 4" of 2A compacted aggregate and 2" ID2 wearing course.
  - (2) Lighting.
    - (a) Provide lighting fixtures acceptable to the Borough of Steelton.
  - (3) Trash receptacles.
    - (a) Trash receptacle shall be DuMor, Inc. #41-32PL, 32 gallon, recycled plastic, with 32 gallon capacity high density plastic liner.
    - (b) The receptacle shall have a single support for surface mount and shall be mounted to the sidewalk by tamper proof bolts.
  - (4) Resting benches
    - (a) The bench shall be a 6 foot long classic style with a backrest.
    - (b) The sides shall be ductile iron.
    - (c) Wooden slats shall be used and mounted to the ductile iron castings by tamper proof screws.
    - (d) The ductile iron castings shall be mounted to the sidewalk by tamper proof bolts.
  - (5) Coordinated vehicle and bike parking
  - (6) Connection points to other streets or buildings located within a particular trail segment.
- F. Parking/Access.
- (1) On site parking is required for boating and marina developments within the GD Overlay. However, parking can be provided by the developer in an off-site location either in a new or pre-existing public or private parking lot or structure. A Pedestrian and vehicle access plan to such parking lot or structure shall be provided to the Borough including: walkway, lighting, and landscaping specifications.
  - (2) Parking shall not be permitted on lands adjacent to or facing the Susquehanna River. All parking facilities shall be landscaped and blended within the natural environment to the greatest extent possible.
  - (3) Boat launching facilities plans and specification shall be approved by the Susquehanna River Boat Commission as well as reviewed by the Department of Environmental Protection.
- G. Greenway Corridor Landscaping Requirements. Each property owner or development company shall be responsible for landscaping their associated trail segment. A concept plan and

specifications for landscaping are required as part of the final land development planning process.

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## **ARTICLE XV - Airport Zoning**

### **§ 120-49. Statutory Authority; Declaration of Policy.**

- A. This article is adopted pursuant to the authority conferred by 1984 Pennsylvania Laws, P.L. 837, No. 164, codified at 74 Pa.C.S.A. § 5911 et seq., and the Pennsylvania Municipalities Planning Code, Act 247 (53 P.S. § 10101 et seq.).
- B. It is hereby found that an obstruction (as defined herein) has the potential for endangering the lives and property of users of the Borough of Steelton and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Capital City and Harrisburg International Airports; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Capital City and Harrisburg International Airports and the public investment therein. Accordingly, it is declared that:
- (1) The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Capital City and Harrisburg International Airports.
  - (2) It is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
  - (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- C. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

### **§ 120-50. Definitions.**

The following words and phrases, when used in this article, shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**AIRCRAFT** — Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

**AIRPORT** (Capital City Airport and Harrisburg International Airport) — Any area of land or water which is used or intended to be used for the landing and takeoff of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

**AIRPORT ELEVATION** — (Capital City Airport, 347 feet, and Harrisburg International Airport, 310 feet). The highest point of an airport's usable landing area measured in feet above sea level.

**AIRPORT HAZARD** — Any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous, as defined by the term "airport hazard" in 74 Pa.C.S.A. § 5102.

**AIRPORT HAZARD AREA** — Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this article and the Act 164 of 1984 (Pennsylvania Laws relating to aviation).

**APPROACH SURFACE** — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the Approach Surface Zone height limitation slope set forth in § 120-51 of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the Approach Surface Zone.

**APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES** — These zones are set forth in § 120-51 of this article.

**BOARD OF APPEALS** — The Steelton Zoning Hearing Board.

**CONICAL SURFACE** — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

**DEPARTMENT** — The Pennsylvania Department of Transportation.

**FAA** — The Federal Aviation Administration of the United States Department of Transportation.

**HEIGHT** — For the purpose of determining the height limits in all zones set forth in this article and shown on the Zoning Map, Editor's Note: A copy of the current Zoning Map is on file in the office of the Borough Secretary. the datum shall be mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE** — A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the Horizontal Surface Zone.

**LARGER-THAN-UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds' maximum gross weight and jet-powered aircraft.

**NONCONFORMING USE** — Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article or an amendment thereto.

**NONPRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**OBSTRUCTION** — Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § 120-51 of this article.

**PERSON** — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

**PRECISION INSTRUMENT RUNWAY** — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE** — A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in § 120-51 of this article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

**PRIVATE AIRPORT** — An airport which is privately owned and which is not open or intended to be open to the public, as defined in 74 Pa.C.S.A. § 5102.

**PUBLIC AIRPORT** — An airport which is either publicly or privately owned and which is open to the public, defined in 74 Pa.C.S.A. § 5102.

**RUNWAY** — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE** — An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

**TRANSITIONAL SURFACES** — These surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

**TREE** — Any object of natural growth.

**UTILITY RUNWAY** — A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds' maximum gross weight or less.

**VISUAL RUNWAY** — A runway intended solely for the operation of aircraft using visual approach procedures.

#### **§ 120-51. Establishment of Zones.**

In order to carry out the provisions of this article there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Capital City Airport and the Harrisburg International Airport. Such zones are shown on the Capital City Airport and Harrisburg International Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring 1989, which is attached to this article and made a part hereof. Editor's Note: Said map is on file in the Borough offices. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Utility Runway Visual Approach Surface Zone. The zone is established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- B. Utility Runway Nonprecision Instrument Approach Surface Zone. The zone is established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- C. Runway Larger Than Utility Visual Approach Surface Zone. The zone is established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

- D. Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone (Capital City Airport). The zone is established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- E. Runway Larger Than Utility With a Visibility Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Surface Zone. The zone is established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- F. Precision Instrument Runway Approach Surface Zone (Harrisburg International Airport). The zone is established beneath the precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 1,000 feet wide. The zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.
- G. Transitional Surface Zones. The zones are established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map. Editor's Note: Said map is on file in the Borough offices.
- H. Horizontal Surface Zones. The zone is established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet and 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designated as utility or visual and 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five-thousand-foot arc is encompassed by tangents connecting two adjacent ten-thousand-foot arcs, the five-thousand-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The Horizontal Surface Zone does not include the Approach Surface and Transitional Surface Zones.
- I. Conical Surface Zone. The zone is established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet.

**§ 120-52. Height Limitations.**

Except as otherwise provided in this article, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Visual Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- B. Utility Runway Nonprecision Instrument Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.

- C. Runway Larger Than Utility Visual Approach Surface Zone: slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- D. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Surface Zone (Capital City Airport): slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- E. Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Nonprecision Instrument Approach Surface Zone: slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line.
- F. Precision Instrument Runway Approach Surface Zone (Harrisburg International Airport): slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence, slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
- G. Transitional Surface Zones.
  - (1) Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which is as follows:
    - (a) Capital City Airport: 347 feet above mean sea level.
    - (b) Harrisburg International Airport: 310 feet above mean sea level.
  - (2) In addition to the foregoing, when an airport has a precision instrument runway approach zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at ninety-degree angles to the extended runway center line.
- H. Horizontal Surface Zone. Established at 150 feet above the established airport elevation or at a height as follows:
  - (1) Capital City Airport: 497 feet above mean sea level.
  - (2) Harrisburg International Airport: 460 feet above mean sea level.
- I. Conical Surface Zone: slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height as follows:
  - (1) Capital City Airport: 697 feet above mean sea level.
  - (2) Harrisburg International Airport: 660 feet above mean sea level.

- J. Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 75 feet above the surface of the land.

**§ 120-53. General Requirements.**

- A. Reasonableness. All airport zoning regulations adopted under this article shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this article. In determining what regulations it may adopt, each municipality and joint Airport Zoning Board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.
- B. Use restrictions. Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- C. Nonconforming uses.
  - (1) Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article or otherwise interfere with the continuance of any nonconforming use, except as provided in § 120-54 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and which is diligently executed.
  - (2) Marking and lighting. Notwithstanding the preceding provision of this subsection, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Zoning Officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the owner.

**§ 120-54. Permits and Variances.**

- A. Future uses.
  - (1) Except as specifically provided in Subsection A(1)(a), (b) or (c) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be

granted unless a variance has been approved in accordance with this § 120-53D, except as follows:

- (a) In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - (b) In areas lying within the limits of the Approach Zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such Approach Zones.
  - (c) In the areas lying within the limits of the Transition Zones beyond the perimeter of the Horizontal Zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic feature, would extend above the height limit prescribed for such Transition Zones.
- (2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this article, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
- B. Existing uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or be replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made.
- C. Nonconforming uses abandoned or destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.
- D. Variance.
- (1) Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply for a variance from the zoning regulations in question pursuant to § 120-78. A variance shall only be granted after the requirements of § 120-78 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and this article. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to effectuate the purposes of this article. Notwithstanding any other provision of law, if the Zoning Hearing Board decides to grant a permit or variance under this article, it shall notify the Department of Transportation of its decision. This notice shall be in writing and shall be sent so as to reach the Department at least 10 days before the date upon which the decision is to issue.

(2) The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this article may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Board of Adjustment may act without such input to grant or deny said application.

- E. Hazard marking and lighting. In granting any permit or variance under this section, the Board shall, if it deems the action advisable to effectuate the purpose of this article and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the permit or variance to install, operate and maintain thereon, at the owner's expense, such markers and lights as may be required by guidelines or regulations adopted by the Federal Aviation Administration.
- F. Conflicts. In the event of conflict between any airport zoning regulations adopted under this article and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, and the use of land or any other matter and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.

#### **§ 120-54.1. Zoning Hearing Board.**

The Zoning Hearing Board shall, in addition to the other powers granted to it pursuant to § 120-77, have and exercise the following powers:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Article XV.
- B. To hear and decide special exceptions to the terms of this Article XV upon which such Zoning Hearing Board may be required to pass.
- C. To hear and decide specific variances.

#### **§ 120-54.2. Acquisition of Air Rights.**

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than the airport zoning regulations, the Borough or the municipality or municipal authority owning the airport or served by it may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this article. In the case of the purchase of any property or any easement or estate or interest therein or the acquisition thereof by the power of eminent domain, the Borough or municipality or municipal authority making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

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## ARTICLE XVI - Off-Street Parking

### § 120-55. General Regulations.

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the house of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Outdoor parking spaces and the approaches thereto shall be paved. Pre-existing driveways in a condition of deterioration causing any hazards (i.e., clogging of, or damages to, Borough storm drains, streets and/or rights of way) must be paved. No vehicles may be parked over growing grass. Any new construction or any enlargements added to existing outdoor parking spaces must be paved with either concrete, macadam or pavers. Before any work is performed, the homeowner and/or contractor must contact Pennsylvania One Call.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building; the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court, provided that the level of such yard or court shall conform to the general level of the other yards or courts on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located.
- D. It shall be unlawful for any person, firm, corporation or authority to perform any work without a building permit. A permit must be secured from the Code Enforcement Office.

### § 120-56. Required Facilities.

- A. Any of the following buildings hereafter erected and any building hereafter converted into one of the following buildings and any open area hereafter used for commercial purposes shall be provided with not less than minimum parking spaces as set forth below, which spaces shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot as the principal building or open area, except when otherwise authorized as a special exception, conforming to the following regulations.
- B. Off-street parking space requirements.

Uses	Required Parking Spaces
Single-and two-family dwellings	1 for each family or dwelling unit
Home occupation dwellings	1 in addition to the required off-street parking space number for the dwelling
Multiple dwellings	1.0 spaces per dwelling unit
Hotels, motels, tourist houses, boarding and lodging houses	1 space for each guest room

Churches and schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater
Community buildings and social halls	1 for each 100 square feet of floor area
Dance halls, swimming pools, roller rinks, clubs, lodges and other similar places	1 for each 100 square feet of floor area or of water area in swimming pool
Sports arenas, auditoriums, theaters, assembly halls	1 for each 3.5 seats
Bowling alleys	5 for each alley
Restaurants, taverns, and nightclubs	1 for each 2.5 seats
Retail stores and shops	1 for each 120 square feet of floor area
Food supermarkets	1 for each 200 square feet of floor area
Funeral homes, mortuaries	5 for each parlor
Furniture or appliance stores	1 for each 200 square feet of floor area
Banks or professional offices fraction thereof	1 for each 200 square feet of floor area or fraction thereof
Service stations	2 for each service bay
Manufacturing plants, research or testing laboratories, bottling plants	1 for each 1,000 square feet of floor area, plus 1 for each 2 employees in the maximum working shift, the total parking area shall not be less than 25% of the building floor area
Medical and dental offices	5 spaces for each doctor or dentist
Hospitals, nursing and convalescing homes	1 for each 3 beds, plus 1 for each employee
Open areas used for commercial purposes	At least 1 parking space for each 1,500 square feet of area or fraction thereof

**§ 120-57. Location.**

Parking spaces for multiple dwelling buildings or commercial or industrial uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building or open area, except when otherwise authorized, as a special exception, conforming to the following regulations:

- A. The required parking spaces shall be suitable within 600 feet of the principal building or open space in question.
- B. That such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board,

binding the owner and his heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

**§ 120-58. Design Standards.**

The minimum dimensions of parking facilities to be provided shall be as follows:

- A. In all districts net parking space per vehicle shall be not less than 10 feet wide and 20 feet long.
- B. In all districts, except for single-family dwellings, there shall be no less than 20 feet of open space between the curblines or edge of any parking area and the outside wall of any building.
- C. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking (degrees)	Parking Bay Width (feet)	Depth from Curb* (feet)	Aisle Width	
			One-Way (feet)	Two-Way (feet)
90°	10	20	24	24
60°	10	22	18	20
45°	10	21	15	20
30°	10	19	12	20

**NOTES:**

\* Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parked vehicles and not including any part of the drive.

- D. All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
- E. Parking areas shall be designed so that each motor vehicle may proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
- F. The width of entrance and exit drives shall be a minimum of 12 feet for one-way use only and a minimum of 20 feet for two-way use, except where ninety-degree parking is used, in which case the minimum shall be not less than 24 feet and a maximum of 24 feet at the street line.
- G. Setback for parking areas shall be provided as follows:
  - (1) All parking spaces and access drives shall be at least 20 feet from any multiple dwelling building, commercial building and industrial building on the lot.
  - (2) All parking spaces and access drives shall be at least five feet from any exterior lot line, except where buffer yards are required, in which case such parking spaces and access drives may not encroach on the buffer yard area.
  - (3) Except at entrances and exit drives parking areas shall be physically separated from any public and/or private streets by a minimum five-foot planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.

- H. Separate parking areas on a parcel or development shall be physically separated from one another by eight-foot planting strips.
- I. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street's view and from the ground level of adjoining residential districts.

**§ 120-59. Drainage, Surfacing and Maintenance Standards.**

- A. The area of the parking lot, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Municipal Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
- B. Parking areas shall be kept clean and free from rubbish and debris.

**§ 120-60. Lighting Requirements.**

Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the luminaries will not fall on any residential district beyond the property line.

**§ 120-61. Loading space.**

- A. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
- B. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed 10,000 square feet, one additional loading berth shall be provided for each 10,000 square feet of gross floor area. The off-street loading berth shall be not less than 10 feet wide and 35 feet in length and 14 feet in height.
- C. Hotels shall have at least one loading berth, with an additional loading berth when the gross floor area exceeds 50,000 square feet.

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**ARTICLE XVII - Signs**

**§ 120-62. Purpose; Compliance with Article Required.**

- A. Purpose. This article is primarily intended to:
  - (1) Promote and maintain overall community beautification.
  - (2) Establish reasonable time, place and manner regulations on the exercise of free speech, without regulating content of signs.
  - (3) Promote traffic safety by avoiding distractions and sight distance obstructions.
  - (4) Protect property values and ensure compatibility with the character of neighboring, existing and planned land use.
  - (5) Carry out the goals of the Pennsylvania Outdoor Advertising Control Act of 1971 (36 P.S. § 2718.101 et seq.).

- B. Compliance with article required. Signs may be erected and maintained only when in compliance with the provisions of this article and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

**§ 120-63. Regulations in Residential Districts.**

The following types of signs, and no other, shall be permitted in residential districts:

- A. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises may be erected and maintained, provided:
  - (1) The size of any such sign is not in excess of six square feet.
  - (2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- B. Signs advertising the sale and development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, may be erected and maintained, provided:
  - (1) The size of any sign is not in excess of 20 square feet.
  - (2) Not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- C. Signs indicating the location and direction of premises available for, or in process of, development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided:
  - (1) The size of any such sign is not in excess of six square feet and not in excess of four feet in length.
  - (2) Not more than one such sign is erected on each 500 feet of street frontage.
- D. Signs bearing the word "sold" or the word "rented," with the name of the persons effecting the sale or rental, provided the conditions in Subsection A hereof, are complied with.
- E. Signs of mechanics, painters and other artisans during the period such persons are performing work on the premises on which such signs are erected, provided:
  - (1) The size thereof is not in excess of 12 square feet.
  - (2) Such signs are removed promptly upon completion of the work.
- F. Signs indicating the private nature of a driveway or trespassing signs, provided that the size of any such sign shall not exceed two square feet.
- G. Signs of schools, colleges, churches, hospitals, sanitariums or other institutions of a similar nature, provided:

- (1) The size of any such sign is not in excess of 20 square feet.
- (2) Not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.

H. Signs advertising home occupations, which signs shall be not larger than 6 inches by 18 inches, bearing the name and occupation (words only) of the practitioner. Such signs may be illuminated if such lighting is shielded or indirect, but shall not include neon signs.

#### **§ 120-64. Business Identification Signs.**

Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises in commercial and industrial districts subject to the following regulations:

- A. Existing business identification signs on existing nonconforming uses may be continued and maintained, provided that such signs shall conform to the general restrictions in § 120-66, and further provided that such signs are not more nonconforming in any measurement than the previous signs, including but not limited to height and total square feet.
- B. The sign surface area on lots where less than 10% of the lot area is covered by buildings shall not exceed four square feet in area for each lineal foot of street frontage.
- C. The sign surface area on lots where 10% or more of the lot area is covered by buildings shall be determined as follows:
  - (1) Lower level (story) signs. The total permitted sign surface area of all business identification signs located on a building within the lower two stories or 26 feet, whichever is lower, and/or freestanding on the lot shall not exceed an area equal to 25% of said lower two-story area of the building facade to which the sign is oriented and/or attached; provided, however, that if more than one sign is erected, the total permitted sign surface area shall be reduced by 1/5 for each additional sign.
  - (2) Upper level (story) signs. The permitted sign surface area of all business identification signs located on a building above the first two stories shall not exceed an area equal to 10% of the area of the building facade above the second story to which the sign is attached; provided, however, that if more than one sign is erected, the total permitted sign surface area shall be reduced by 1/5 for each additional sign.
  - (3) Lower and upper level signs may be continuous; however, if not, there shall be at least 13 feet or one story, whichever is lesser, between upper level and lower level signs.
  - (4) Rooftop business identification signs shall be prohibited; no rooftop signs shall be rented as billboards.
  - (5) Existing business identification signs on existing nonconforming uses may be continued and maintained, provided that such signs shall conform to the general regulations below.
  - (6) Each window or door sign shall not exceed 30% of each window or door area.

#### **§ 120-65. Billboards.**

Billboards or advertising signboards, including poster panels, bulletins and the like, may be erected and maintained in commercial and industrial districts, except C-N and C-C Districts, under the following restrictions and controls:

- A. In commercial districts, no advertising signs shall be permitted to be erected upon or within 200 feet of the premises containing a unified, integrated shopping center.
- B. In other commercial districts, advertising sign structures are limited to only one for each street frontage. No such structure shall contain over one advertising sign per facing, nor shall any individual advertising sign exceed 20 feet in vertical measurements or 25 feet in length.
- C. No advertising sign shall be permitted to be erected upon the roof of any building, and advertising signs shall be required to set back 30 feet from the front lot line or to the established building line, whichever is less.
- D. No advertising sign shall be permitted to be erected within 50 feet of any adjoining residential district if visible from and designed to face into such district.
- E. Advertising signs, if lighted, shall be indirectly illuminated, and all such signs shall conform to the height regulations for buildings in the district in which they are located.

**§ 120-66. General Restrictions.**

The following regulations shall apply to all permitted sign uses:

- A. Signs must be constructed of durable materials, must be maintained in good condition and not allowed to become dilapidated, and shall not be hand-written.
- B. Signs shall not be placed in such a position that they will cause danger to traffic on a street by obscuring the view.
- C. Signs, other than an official sign, shall not be erected within the lines of any street.
- D. Signs and banners (except banners extending across streets under the provisions of § 120-65R) that project beyond property lines or over public sidewalk areas shall be a maximum width and height of four feet at a minimum height above the sidewalk of 10 feet.
- E. Signs shall not project above the height limit permitted in any district in which they are located.
- F. No sign shall be permitted which rotates and/or causes interruption or flashing of light.
- G. All signs erected within the right-of-way of a state highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
- H. A permit shall be required for the erection, alteration or reconstruction of billboards or advertising sign boards, including poster panels, bulletins, temporary or permanent business signs and the like. No sign permit shall be issued until written permission from the building owner for the placement of the sign is given to the zoning officer.

- I. A permit shall not be required for the erection, alteration or maintenance of any signs permitted in a residential district, with the exception of a home occupation sign, for which a permit shall be required.
- J. All signs shall be removed when the circumstances leading to their erection no longer apply, including, but not limited to, the following circumstances:
  - (1) Following the closing of any business, any and all related exterior signs, fixtures, hardware, frame work and bracing used to support signs which hang over a sidewalk or other pedestrian walkway will be removed within 30 days of the effective business closing date.
  - (2) Following the closing of any business:
    - (a) Signs must be changed to a blank face or to a "for rent, lease or sale" sign.
    - (b) Internal light bulbs inside of the sign must not be visible.
  - (3) It shall be the responsibility of the building owner to ensure that signs are removed or changed to a blank facing.
- K. All nonconforming signs, billboards or advertising signboards, including poster panels, bulletins and the like, shall be made to conform to all pertinent regulations or be removed within two years after the effective date of this chapter, except that business identification signs on legal nonconforming uses may be continued and maintained as a part of the legal nonconforming use.
- L. Once an existing nonconforming sign is removed, it shall only be replaced with a sign that conforms to this chapter.
- M. Freestanding signs.
  - (1) Movable freestanding signs.
    - (a) Movable freestanding signs (example: A-frame signs) are permitted on the sidewalks.
    - (b) Movable freestanding signs are subject to the following conditions:
      - [1] Must be of a framed design.
      - [2] Must allow 36 inches of clearance for pedestrian traffic.
      - [3] Must be weatherproof.
      - [4] Must be no larger than four feet in height and two feet in width.
      - [5] Must be located on the sidewalk adjacent to the property within which the business is located.
      - [6] Does not require the use of electric power cords.
    - (c) The building owner, who will be jointly responsible with any other sign permittee for the property (lessee, etc.) for noncompliance, must indicate his, her or its consent in writing to the use of the movable freestanding sign.
    - (d) Signs are subject to the same removal rules as any other sign for a closed business; see § 120-66, J.
    - (e) Signs are limited to one per business.

(2) Nonmovable freestanding signs:

- (a) Are permitted if the building in which the business is located is set back 30 feet or greater from the existing sidewalk and/or street.
- (b) Must identify the business name which it represents and may contain contact telephone number, Web site address, and or specialty sales/service statement.
- (c) Shall be a maximum of four feet in height and five feet in width.
- (d) Must be supported by pole, pylons or similar standards in the ground and shall be a maximum height at the top of the sign of 25 feet.
- (e) Must be weatherproof.
- (f) Must be located on the property outside of the sidewalk area.
- (g) Are subject to the same removal rules as any other sign for a closed business; see § 120-66, J.
- (h) Are limited to one per property.
- (i) Are permitted to have one message display sign permanently affixed to the pole of a nonmovable freestanding sign and must be located directly below said nonmovable freestanding sign not to exceed four feet in height and five feet in width.
- (j) The building owner, who will be jointly responsible with any other sign permittee for the property (lessee, etc.) for noncompliance, must indicate his, her or its consent in writing to the use of the nonmovable freestanding sign.

N. Temporary signs.

- (1) Temporary signs are not to be displayed for more than 30 days in any calendar year.
- (2) A permit is required for all temporary signs in any nonresidential area, with the exception of signs indicating sale or rent of the property and signs of contractors while they are actually working on the property or charitable event signs.
- (3) No temporary sign with an area of over 75 square feet is permitted.
- (4) The total combined area of all temporary signs in use at any one time shall not exceed 75 square feet.
- (5) No temporary sign shall exceed 30 inches in height or 30 feet in width.
- (6) No permit fee shall be required for temporary signs.
- (7) All temporary signs displayed outside the building must be weatherproof.
- (8) The building owner, who will be responsible for noncompliance, must indicate his, her or its consent in writing to the use of the temporary sign.

O. Business signs advertising daily specials, discounts, special events or other daily changing activity:

- (1) Must be framed and securely attached to building.
- (2) Must be weatherproof.
- (3) Must not exceed three square feet in area, 18 inches in length or 24 inches in width.
- (4) Are to be considered in the overall square footage of allowable sign area except in the case of business existing at the time of adoption of this article and which are already at their allowable sign area.
- (5) The permit fee shall be based on the square footage of sign.
- (6) The building owner, who will be responsible for noncompliance, must indicate his, her or its consent in writing to the use of the temporary sign.
- (7) Are subject to the same removal rules as any other sign for a closed business.

P. Garage sale and charitable event signs:

- (1) Do not require a permit.
- (2) Must contain the phone number or address of the person responsible for removing signs; any sign not containing this information will be removed immediately upon discovery by the Borough.
- (3) May not be displayed more than 15 days prior to the event and must be removed within seven days following the event; signs remaining after seven days will be subject to a fine equal to the cost incurred by the Borough for removal.

Q. Mobile signs.

- (1) These standards recognize a sign on a mobile stand as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This subsection is based on the policy that if the owner or user desires to regularly display a sign for regularly changing messages, he, she or it must erect a permanent sign meeting all of the requirements of this article.
- (2) Mobile signs are prohibited in all districts, except that a new principal commercial use in the commercial light industrial manufacturing or heavy industrial/manufacturing districts may use one sign on a mobile stand with a maximum sign area of 20 square feet for a maximum of 60 days; thereafter a permanent permitted sign is required.
- (3) A permit is required for this temporary use of a mobile sign.
- (4) To ensure that a sign on a portable stand is removed within the sixty-day limit, the applicant shall be required to pay a \$150 deposit to the Borough. This deposit shall be refunded if the sign is removed within the sixty-day limit; thereafter, the sign may be removed by the Borough, which shall apply the \$150 deposit to the costs of removal. Refusal to remove the sign after the 60 days shall also constitute a zoning violation and be subject to the penalties and enforcement procedures of this chapter.

- R. Banners (extending across streets). Council must receive a request 90 days prior to the proposed date for the banner to be hung. All necessary clearances must be presented, in writing, with the request. The banner must meet all the requirements of this article
- S. Posting of street addresses.
  - (1) The street number address shall be displayed on all principal structures, located on the mail box or on or abutting the front door, as well as at the back of each property.
  - (2) Each number shall be three inches in height. Each number should be visible from a street.

**§ 120-67. Nonconforming Signs.**

Existing signs may be continued, provided that signs conform to the general requirements as set forth in §120-66 above, of this article.

**§ 120-68. Permit Application and Fees.**

- A. Except for signs exempted under §120-66, I and §120-69, no person shall erect, cause to be erected, change or alter any sign on any property within the Borough until a permit for the same has been issued by the Zoning Officer. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this Part are adhered to and shall comply with the following provisions:
  - (1) Application for a permit shall be made on an authorized Borough form and shall be accompanied by the following:
    - (a) A detailed scale drawing showing the sign and its intended location;
    - (b) A Description of its type, construction, manner, and method of installation, and materials to be used;
    - (c) Written authorization of the owner or lessee of the property, if other than the applicant; and,
    - (d) A permit fee, as established by Resolution of Borough Council.
  - (2) For the purpose of this Part, the terms "alter" or "change" shall not be interpreted to include routine maintenance.

**§ 120-69. Exemptions from Permits and/or Fees.**

A permit and fee shall not be required for the following signs:

- (1) Official Signs.
- (2) Temporary Signs.

Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this and/or other applicable ordinances, codes or laws.

## **ARTICLE XVIII - Motor Vehicle Access**

### **§ 120-70. Scope of Article.**

Wherever motor vehicle access is provided from the street, or private road, onto the lot, the following regulations shall apply.

### **§ 120-71. Accessways, Driveways and Curbs.**

Access to the lot shall comply with the following regulations:

- A. Access shall be by not more than two driveways for each 100 feet frontage on any street.
- B. No two of said driveways shall be closer to each other than 12 feet, and no driveway shall be closer to a side property line than three feet, and no flare shall cross an extended side property line.
- C. Each driveway shall be paved and shall be not more than 35 feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
- D. Driveways shall not cross the street right-of-way line within 40 feet of the street right-of-way line of an intersecting street and in no case less than 10 feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the Planning Commission and/or the Borough Council, this dimension shall be increased for driveways into shopping centers or other commercial, industrial, public or institutional uses.
- E. Driveways shall not cross the street right-of-way within five feet of fire hydrant, catch basin or drain inlet.
- F. Driveways shall not cross the street right-of-way within 40 feet of another driveway on the same lot, except that in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than 12 feet between access drives.
- G. Driveways shall not cross the street right-of-way in all multifamily, commercial and industrial districts within 20 feet of a property line, unless two adjoining property owners mutually agree in a legally recorded instrument to a common driveway.
- H. For nondwelling uses, where there is an existing curb and gutter or sidewalk on the street, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Municipal Engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street are required as shown on Plate 1, Editor's Note: A copy of Plate 1 is on file in the office of the Borough Secretary. attached to this chapter and made by this reference as much a part of this chapter as if fully described and detailed herein.
- I. For nondwelling uses, where there is no existing curb and gutter or sidewalk, a curb, fence or pipe rail not exceeding two feet nor less than eight inches in height, as shown on Plate 1, Editor's

Note: A copy of Plate 1 is on file in the office of the Borough Secretary. attached to this chapter, shall be constructed along the entire length of the property line, except in front of the permitted driveways.

- J. For commercial and industrial districts when deemed necessary to permit safe ingress and egress, acceleration and deceleration lanes paralleling the street shall be installed at the expense of the property owners.
- K. General safety requirements; sight distance. Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of 10% within 12 feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than 1/2 foot vertical to one foot horizontal within 10 feet of the point the drive intersects with the right-of-way line.
- L. Submission of plan. A scale drawing of proposed off-street parking and loading areas, access drives and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a state highway shall be approved by the Pennsylvania Department of Transportation in addition to Borough Council approval.

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## **ARTICLE XIX - Administration and Enforcement**

### **§ 120-72. Appointment and Powers of Zoning Officer.**

- A. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.
- B. 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.
- C. 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.
- D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

### **§ 120-73. Enforcement.**

It shall be the duty of the Zoning Officer, and he is hereby given the power and authority, to enforce the provisions of this Chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough Council may require. Permits for construction and uses which are a special exception, or a variance to requirements of this Part shall be issued only upon approval by the Zoning Hearing Board.

### **§ 120-74. Zoning Appeals.**

All appeals from a decision by the Zoning Officer shall be taken in the manner set forth in the Pennsylvania Municipalities Planning Code (Act 247), as amended.

### **§ 120-75. Zoning Hearing Board.**

- A. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. 10901 et seq.

- B. The membership of the Board shall consist of three (3) residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies, which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Borough.
- C. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council, which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- D. 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 this Chapter.
- E. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
- F. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

**§ 120-76. Hearings.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. 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 (1) week prior to the hearing.
- B. The first hearing before the Board or Hearing Officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case – in – chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- C. 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 made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. 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.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. 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.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. 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 forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (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 thirty (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 sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. 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 herein above

provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

**§ 120-77. Jurisdiction.**

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. 10609.1, 10916.1(a)(2).
  - (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 thirty (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 been previously 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 therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - (4) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
  - (5) Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to 910.2 of the MPC, 53 P.S. 10910.2.
  - (6) Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to 912.1 of the MPC, 53 P.S. 10912.1.
  - (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
  - (8) Appeals from the Zoning Officer's determination under 916.2 of the MPC, 53 P.S. 10916.2.
  - (9) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to

sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. 10501 et seq., 10701 et seq.

B. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of 702 of the MPC, 53 P.S. 10702.
- (2) All applications pursuant to 508 of the MPC, 53 P.S. 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. 10501 et seq.
- (3) Applications for special exception under the express provisions of this Chapter.
- (4) Applications for curative amendment to this Chapter or pursuant to 609.1 and 916.1(a)(2) of the MPC, 53 P.S. 10609.1, 10916.1(a)(2).
- (5) All petitions for amendments to land use ordinances, pursuant to the procedures set forth in 609 of the MPC, 53 P.S. 10609.
- (6) Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. 10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to §120-77, A(9) above. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

#### **§ 120-78. Variances.**

A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (3) That such unnecessary hardship has not been created by the applicant.

- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
  - (a) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. 10101 et seq.
  - (b) In granting any variance, the applicant shall have 180 days from the date of final determination to apply for a building permit from the Borough; however, should the applicant intend to apply for a subdivision, the applicant shall have 180 days in which to apply for the subdivision. In this case, the applicant shall have 180 days from the final approval of the subdivision in which to apply for a building permit. In case the applicant does not apply for the building permit within the required time, the zoning variance shall become null and void.

#### **§ 120-79. Special Exceptions.**

- A. Where the Borough Council, in this Chapter, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. 10101 et seq.
  - (1) The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
  - (2) No application for a permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has first received and considered an advisory report thereon from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Borough of Steelton, where appropriate, with reference to the adequacy of the site area and the arrangement of buildings, driveways, parking areas, off-street truck loading spaces, and other pertinent features of the proposal, as well as its effect on the comprehensive planning of the Borough.
  - (3) The Planning Commission shall have thirty (30) days from the date of its receipt of the application within which to file its report thereon. In the event that the Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have been approved by the Planning Commission. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgment, anyone of such cases will not be detrimental to the health, safety, and general welfare of the Borough of Steelton.

- (4) A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

**§ 120-80. Permits.**

- A. Requirements of Permits. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations, which do not structurally change a building or structure.
- B. Application for Permits. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Chapter and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- C. Issuance of Permits.
- (1) No permit shall be issued until the Zoning Officer has certified that the proposed building, addition this Chapter, as well as the provisions of all other applicable ordinances.
  - (2) Zoning Officer shall act upon request within (30) days following application.
  - (3) A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.
- D. Temporary Permits. A temporary permit may be authorized by the Zoning Officer for a structure or use, which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding two (2) years.

**§ 120-81. Certificate of Nonconformance.**

- A. A Certificate of Nonconformance shall be issued by the Zoning Officer to the owner of any property, which, at the time of the effective date of this Chapter, is identified as containing a nonconforming use or structure. An application for a Certificate of Nonconformance shall be made to the Zoning Officer by the owner of any property which, at the time of the effective date of this Chapter does not conform to the provisions of this Chapter. Such application shall be made within ninety (90) days after the effective date of this Chapter, and a certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property and shall include a sketch of the land and improvements covered by the Certificate of Nonconformance. This sketch may be either on the back of the Certificate of Nonconformance or may be a map or sketch attached to the Certificate of Nonconformance. If desirable or required,

photographs may also be made a part of the record. The owner's property and the issuance date of such certificate shall be registered in the records of the Borough as follows:

- (1) Such Certificate of Nonconformance shall be issued within two (2) years after the effective date of this Chapter.
- (2) The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- (3) A copy of the Certificate of Nonconformance shall be retained and filed by the Zoning Officer.
- (4) The Certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Chapter. Failure of an owner to secure a Certificate of Nonconformance by timely application shall create a presumption that the nonconformity did not exist on the effective date of this Chapter.

**§ 120-82. Fees.**

- A. The Borough Council shall establish by Resolution a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Zoning Officer.
- B. Such fees shall be payable to the Borough and until all applicable fees, charges and expenses have been paid in full; the application shall be considered incomplete.

**§ 120-83. Inspection.**

- A. Inspection by the Zoning Officer. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:
  - (1) At the Beginning of Construction. A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application.
    - (a) If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued, upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
  - (2) At the Completion of Construction. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter, and the opinion of the Zoning officer in regard to the issuance of a Certificate of Use Permit.

**§ 120-84. Certificate of Use.**

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Chapter.
- B. Any vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use shall have been issued by the Zoning Officer.

- C. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
- D. A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Chapter or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
- E. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer.

**§ 120-85. Enforcement Notice.**

- A. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall 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 instance the applicable provisions of this Chapter.
  - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days in accordance with the provisions of §120-88.
  - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§ 120-86. Causes of Action.**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

**§ 120-87. Enforcement Remedies.**

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred (\$500.00) dollars 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 no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction over proceedings brought under this Section.

**§ 120-88. Appeals and Applications.**

- A. An appeal, or application for an amendment, special exception, or variance from the terms of this Chapter shall be filed with the Zoning Officer, and shall contain:
  - (1) The name and address of the applicant.
  - (2) The name and address of the owner of the real estate to be affected by such proposal.
  - (3) A brief description and location of the real estate to be affected by such proposal.
  - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  - (5) A statement of the section of this Chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
  - (6) An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
  - (7) Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.

#### **§ 120-89. Parties Appellant Before the Board.**

Appeals raising the substantive validity of any land use ordinance, except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter; from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Upon filing of any proceeding referred to in this Section and during its pendency before the Board, all development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition of continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

#### **§ 120-90. Time Limitations.**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

#### **§ 120-91. Validity.**

Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole, or of any other part thereof.

**§ 120-92. Interpretation, Purpose, and Conflict.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Chapter shall control.

**§ 120-93. Repealer.**

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

**§ 120-94. Effective Date.**

This Chapter shall take effect immediately upon its adoption as an Ordinance.

**SECTION 2.** Severability. It is hereby declared to be the legislative intent of the Borough Council that if a court of competent jurisdiction declares any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this ordinance any section or part thereof, other than any part declared invalid if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Steelton Borough Zoning Ordinance (Chapter 120 "Zoning") that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as a zoning ordinance for the Borough of Steelton.

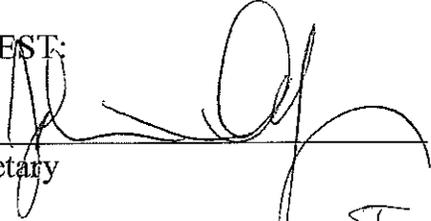
**SECTION 3.** Procedural Defects and Enactment. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided pursuant to Pennsylvania Law.

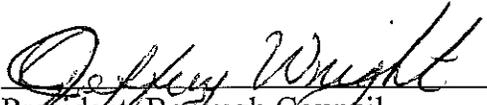
**SECTION 4.** Repealer. The pre-existing Borough of Steelton Zoning Ordinance (Code Chapter 120 "Zoning"), as amended, is hereby repealed, in addition to the repeal of any other Borough ordinances or resolutions of parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.

**SECTION 5.** Enactment. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of the Borough of Steelton hereby enacts and ordains this Ordinance to become effective immediately upon its adoption.

ADOPTED this 21<sup>st</sup> day of July, 2009.

ATTEST:

  
Secretary

  
President, Borough Council

APPROVED this 21<sup>ST</sup> day of July, 2009.

  
Mayor